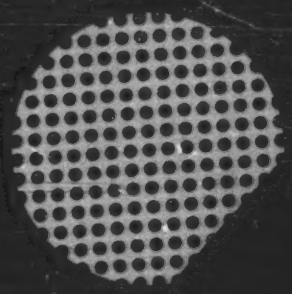
NOTES FOR SPEAKERS



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Notes for Speakers is not an official document and is intended for information purposes only. The information it contains is drawn from publicly available sources and is accurate as of 1 July 1993, unless otherwise indicated in the text. In view of rapid developments, users of this publication are encouraged to seek more up-to-date information; a list of selected UN system sources and contacts begins on page 61.

Speakers are also invited to supplement the information in this publication with anecdotes, facts and other illustrative material drawn from local sources such as the press, citizens' groups, government offices, personal experience and individual contacts. *Notes for Speakers,* it should be emphasized, is not a collection of finished speeches but rather a starting point for speakers to use in tailoring presentations uniquely suited to their own needs and circumstances.

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FOREWORD

There are few causes with which the United Nations is more closely identified than the promotion and protection of human rights. Building on the principles of its *Charter* and the *Universal Declaration of Human Rights,* the United Nations strives to create a "culture of human rights" throughout the world. Provisions of United Nations human rights treaties have been written into national laws and constitutions, and the spotlight of the Organization's attention has proven to be a powerful tool in curbing abuses and spurring on the transition to democracy occurring in many countries. UN actions have saved lives, won the release of prisoners, prevented torture, protected children from exploitation, thwarted discrimination and championed the rights of all people to enjoy the fruits of—to quote the Charter—"social progress and better standards of life in larger freedom".

Recent events have heightened expectations that a culture of human rights, propelled by democratic advances, may finally be emerging. Tempering such hopes is the horrifying prevalence of human rights transgressions. The United Nations Centre for Human Rights estimated recently that at least half the world's people suffer some serious violation or deprivation of their basic rights and freedoms—everything from torture, rape and corrupt judicial systems to bonded labour, hunger and lack of access to health services, sanitation and safe water. Clearly, great challenges remain on the road to achieving universal respect for economic, social, cultural, civil and political rights. The question must be asked: Will the United Nations and its Member States rise to the test?

This past June, more than 2,000 delegates from 171 Member States, some 3,700 individuals representing 841 non-governmental organizations, and nearly 2,000 journalists from 99 countries gathered in Vienna for the *World Conference on Human Rights*—the first such meeting in 25 years. Following 12 days of intense, sometimes contentious debate, the Member States adopted by consensus the *Vienna Declaration and Programme of Action,* which strongly affirms their commitment to the unfinished human rights agenda and provides the international community with a dynamic, common plan for strengthening human rights work around the world.

This special edition of *Notes for Speakers* is published to promote and support this renewed effort to make the enjoyment of human rights a reality for every human being. Offering a brief overview of United Nations activities in the field, it is intended as a tool to assist speakers, educators and journalists prepare effective and thought-provoking presentations. As human rights issues move inexorably to the forefront of world concern, I urge all those who speak, teach and write about the United Nations and human rights to encourage their communities to learn more about the world organization, its capabilities and its promise.

Marco Vianello-Chiodo
Assistant Secretary-General
for Public Information

WORLD CONFERENCE ON HUMAN RIGHTS

UNITED NATIONS

"Human Rights: Know Them, Demand Them, Defend Them"

World Conference slogan

"The human rights we are to discuss here at Vienna are not the lowest common denominator among all nations, but rather what I should like to describe as the 'irreducible human element', in other words, the quintessential values through which we affirm together that we are a single human community!"

Boutros Boutros-Ghali, United Nations Secretary-General, in his opening address at the World Conference on Human Rights, 14 June 1993

In the first global review of human rights since the International Conference on Human Rights was held in Teheran in 1968, the international community gathered in force in Vienna from 14 to 25 June 1993 for the *World Conference on Human Rights*. Some 7,000 participants—Government delegates, non-governmental organizations (NGOs), journalists, scholars, children's groups and others—met to assess progress made since the adoption of the *Universal Declaration of Human Rights* in 1948 and to explore, in the face of persistent, often massive, violations, ways of improving human rights conditions everywhere and for all people.

- **The Conference marked the culmination of a long process of debate over the current status of the global human rights machinery. The *General Assembly* first called for the convening of a world meeting on human rights in 1989, spurred largely by the end of the cold war and the opportunity provided by this turning point in history to consider afresh the full range of urgent human rights concerns.**

- **Among the items on the Conference agenda were: commemoration of the 1993 *International Year of the World's Indigenous People*; the relationship between development, democracy and universal enjoyment of all human rights; and ways to strengthen international cooperation and United Nations mechanisms for promoting and protecting human rights.**

- **The search for common ground on these and other issues was characterized by intense dialogue among Governments and dozens of United Nations bodies and specialized**

agencies, other intergovernmental organizations and thousands of human rights and development NGOs from around the world. Three key regional meetings—in Tunis, San Jose and Bangkok—produced declarations outlining the particular concerns and perspectives of the African, Latin American and Caribbean and Asian and Pacific regions.

- **NGOs played an unprecedented role at the World Conference. For the first time in United Nations history, NGOs held activities parallel to the World Conference at the Conference site itself. Another milestone was reached when the results of the NGO Forum—a report, *All Human Rights for All*—were presented in a formal meeting of the Drafting Committee.**

After two weeks of lively proceedings in Vienna, consensus was reached on the *Vienna Declaration and Programme of Action,* which Secretary-General Boutros Boutros-Ghali called "a new vision for global action for human rights into the next century".

The Vienna Declaration and Programme of Action

"In adopting this Declaration", said World Conference Secretary-General Ibrahima Fall in his final address to the Conference, "the Member States of the United Nations have solemnly pledged to respect human rights and fundamental freedoms and to undertake individually and collectively actions and programmes to make the enjoyment of human rights a reality for every human being....We can leave Vienna with a sense of accomplishment and hope and with the knowledge that a solid foundation of principle, understanding and commitment has been laid for future progress."

- **Composed of a preamble, a declaration of principles and a plan of action, the document reaffirms the crucial principles of equal rights and self-determination of peoples, peace, democracy, justice, equality, rule of law, pluralism, development, better standards of living and solidarity.**

- **The Declaration also stresses the need to fight all forms of racism, discrimination, xenophobia and intolerance, places strong emphasis on the rights of women, children, minorities and indigenous people and recognizes the interdependent and mutually reinforcing relationship between democracy, development and human rights.**

- **In response to considerable debate over the question of the universality of human rights, the Declaration states that the universal nature of human rights and fundamental freedoms "is beyond question". The Declaration recognized that "the international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis. While the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne**

in mind, it is the duty of states, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms".

Among the document's specific recommendations:

- priority consideration by the General Assembly of the question of creating a high commissioner for human rights who would have wide-ranging powers to address abuses throughout the world;

- continued work by the *International Law Commission* on the establishment of an international criminal court to bring those responsible for serious violations of international humanitarian law to justice as individuals (the *International Court of Justice*, the principal judicial organ of the United Nations, handles disputes between states);

- improved international cooperation for the realization of the right to development;

- creation of a new human rights mechanism: a *Special Rapporteur on Violence against Women*;

- adoption by the General Assembly of the draft *Declaration on Violence against Women*;

- universal ratification of the *Convention on the Elimination of All Forms of Discrimination against Women* by the year 2000 and of the *Convention on the Rights of the Child* by the year 1995;

- a "particularly effective response" to the violation of women's human rights in situations of armed conflict, through such practices as murder, systematic rape, sexual slavery and forced pregnancy;

- special emphasis on the needs of the girl child;

- improved protection for children in armed conflicts and further study on the question of raising the minimum age of recruitment into armed forces;

- measures to combat the exploitation and abuse of children, including such practices as female infanticide, harmful child labour, sale of children and organs, child prostitution, child pornography and other forms of sexual abuse;

- **proclamation by the General Assembly of an *International Decade of the World's Indigenous People* to begin in 1994 (for more about indigenous peoples, see pages 19-28);**

- **increased funding for the *United Nations Centre for Human Rights* (which at present receives less than 1 per cent of the United Nations budget);**

- **strengthening United Nations programmes of technical assistance, particularly in education, protection of minorities and indigenous peoples and support of human rights institutions such as the judiciary.**

Country-specific issues

During the preparatory process leading up to the Conference, it was agreed that the Conference debate would avoid reference to human rights violations in specific countries so that delegates could focus on broader issues of principles and mechanisms. Nevertheless, contrary to the wishes of many delegations, certain situations did arise.

- **Perhaps mindful that the worst human rights violations in Europe since World War II were occurring not far from Vienna, the Conference adopted a *Declaration on Bosnia and Herzegovina* urging the world community and in particular the Security Council to take forceful and decisive steps towards "lifting the arms embargo against the Republic of Bosnia and Herzegovina" and to restore peace in that country.**

- **The Conference also adopted a *Declaration on Angola* urging the international community and Security Council to implement a cease-fire and pressure the National Union for the Total Independence of Angola (UNITA) to accept the results of the 1992 elections.**

Eminent persons

Eight well-known human rights advocates were invited by Secretary-General Boutros Boutros-Ghali to take part in the World Conference: Corazon Aquino, Elena Bonner, Jimmy Carter, Crown Prince El Hassan bin Talal of Jordan, Nelson Mandela, Rigoberta Menchu, Wole Soyinka and Simone Veil. All except Mr. Mandela and Ms. Veil were able to attend.

- **Former President of the Philippines Corazon Aquino told the Conference that for a nation to invoke its sovereignty to deflect criticism while depriving its citizens of theirs was the worst kind of tyranny.**

- **Russian human rights activist Elena Bonner said that the world was paying now for its inaction and inattentiveness to human rights abuses in the past.**

- **Former President of the United States Jimmy Carter said the United Nations, as it presently existed, was almost totally incapacitated in dealing with serious human rights abuses and that one strong authority was needed.**

- **Crown Prince El Hassan Bin Talal of Jordan called for a new world order that was essentially humanitarian in content and intent, saying the ethic of materialism must be replaced by a "global ethic of responsibility and care".**

- **Rigoberta Menchu, Quiche Indian of Guatemala and 1992 Nobel Peace Prize winner, said that none of the profound problems of the world could be resolved without the full participation of indigenous peoples, repressed minorities, women and children—the "dispossessed of society".**

- **Wole Soyinka, the Nigerian poet, playwright and Nobel laureate said that the Conference had served a valuable purpose by giving voice to the victims of power. Instead, he said, it was the powerful—the Idi Amin Dadas and the Marcoses of the world—who had turned to "phantoms in a mere decade".**

Following up

How soon can the results of the World Conference on Human Rights be appraised? There are many things Governments can do right away to maintain the momentum of the Conference and give immediate force to the Vienna Declaration. They might, for example, release political prisoners from jail, end the practice of torture or devote less money to weapons purchases and more to health care, education and other basics needed to advance economic and social rights.

As for the United Nations itself, the Declaration recommends, among other things, that the United Nations explore the possibility of proclaiming an international decade for human rights, and that UN bodies increase their cooperation and consider the impact of their strategies and policies on the enjoyment of human rights. The Declaration further recommends that the UN Commission on Human Rights review progress annually.

The Declaration also looks to 1998, the fiftieth anniversary of the Universal Declaration of Human Rights, as an appropriate point at which to judge the progress made since the Conference. It asks the UN Secretary-General to invite all UN organs and agencies related to human rights to report to him then

on the steps they have taken to implement the Declaration. Likewise, regional and national human rights institutions and NGOs are to be invited to present their views.

- **Said Ibrahima Fall said in closing the Conference: "Our undertaking here has been made in front of the eyes of the World and history will judge us, not by the words on the pages of this Declaration, but by the sincerity of our efforts and the success we achieve in bringing about changes in the way people live. We must not fail."**

PROMOTION, PROTECTION, PREVENTION: CREATING A CULTURE OF HUMAN RIGHTS

"People throughout the world have high expectations for the United Nations as a force for human rights. I am confident that we will live up to their expectations. The age-old dream of freedom, justice and dignity for all is not beyond our reach."

Boutros Boutros-Ghali, United Nations Secretary-General, in his Human Rights Day message, 10 December 1992

Forty-five years ago, the *United Nations General Assembly* adopted the *Universal Declaration of Human Rights*, inaugurating what it hoped would be an era of understanding, peace and prosperity based on respect for human rights. Today the fragile barriers built up since then to guard against human rights abuses are being undermined by the forces of repression and ethnic hatred. The challenge for UN Member States: to enhance and sustain their commitment to the realization of all human rights—civil, political, economic, social and cultural.

- **Human rights are fundamental privileges or immunities to which all persons have a moral claim.**

- **International law views human rights as personal legal entitlements and liberties that include prohibitions against certain types of conduct directed against persons by States and Governments.**

- **Neither approach regards human rights as "gifts" to be withdrawn or withheld at will.**

The origins of human rights

The concept of human rights is rooted in the most ancient values and religions of our heritage and incorporated into the eminent philosophies and political doctrines of the world. The beginnings of a universal human rights law came about as a result of the First World War. The new League of Nations—forerunner of the United Nations—required a commitment by administering powers in the Trust Territories to promote the welfare of local populations. This requirement in the mandate for South West Africa eventually became the basis for a suit in the *International Court of Justice* and contributed, under the United Nations, to the emergence of the independent country of Namibia. Treaties enforced by the League were signed to protect the rights of ethnic minorities in newly created States in central

and eastern Europe. The *International Labour Organisation (ILO)*, which was established at the Versailles Peace Conference, advocated minimum standards of labour and welfare, giving rise over ensuing years to hundreds of important human rights conventions.

Out of the ashes: origins of UN concern for human rights

The terror waged by the Nazi regime led to a rebirth and internationalization of human rights. The term itself—"human rights"—had not been mentioned in the Covenant of the League of Nations. It first appeared in the set of proposals agreed to in 1944 by the United Kingdom, the United States, the Soviet Union and China at Dumbarton Oaks in Washington, D.C., and was subsequently incorporated into the *UN Charter*.

- **The Charter speaks of "fundamental human rights", "the dignity and worth of the human person", "equal rights", "justice", "social progress", "fundamental freedoms", the "self-determination of peoples" and the right of people to "self-government".**

- **To the Charter's framers, respect for human rights and fundamental freedoms were not abstract ideas. The war crimes tribunals in Nuremberg and Tokyo were unmasking harrowing "crimes against humanity"—human rights violations of monstrous proportions, such as savage medical experimentation, mass enslavement and "extermination".**

- **Founders of the United Nations focused on the role human rights should play in the conduct of nations. They knew first-hand that the dignity and worth of individuals and the right of everyone to basic freedoms were vital to stabilizing dangerous political situations and strengthening the Allied victory over the forces of fascism and intolerance.**

The universal declaration of human rights

The *UN Commission on Human Rights*, under the chairmanship of Eleanor Roosevelt, took up as its first order of business the definition of basic rights and freedoms.

- **10 December 1948: The first pillar of twentieth-century human rights law was adopted by the General Assembly. Intended as a "common standard of achievement for all peoples", the Universal Declaration of Human Rights spelt out basic civil and political rights and fundamental economic, social and cultural rights which human beings everywhere were entitled to enjoy.**

- **As a statement of goals and principles, the Universal Declaration was a giant step. Although a declaration does not have the binding force of a treaty, the Universal Declaration has acquired universal acceptability. Many newly independent countries have cited the Declaration or included its provisions in their basic laws or constitutions, and many human rights covenants, conventions and treaties concluded since 1948 have restated its principles.**

Among the rights and freedoms found in the Universal Declaration's 30 articles are:

- **The right to life, liberty and security of person;**
- **Equality before the law;**
- **Freedom of movement and residence;**
- **Freedom from torture or cruel, inhuman or degrading treatment or punishment;**
- **The right to seek in other countries asylum from persecution;**
- **Freedom of thought, conscience and religion;**
- **The right to vote and participate in government;**
- **The right to an education;**
- **The right to work and to form and join trade unions;**
- **The right to an adequate standard of living;**
- **The right to health protection;**
- **The right to participate fully in cultural life.**

The international bill of rights

The broadest legally binding human rights agreements negotiated under UN auspices are the *International Covenant on Civil and Political Rights* (121 States parties), its *First Optional Protocol* (72 States parties) and the *International Covenant on Economic, Social and Cultural Rights* (123 States parties). Both were adopted in 1966 and entered into force in 1976. They take the Universal

Declaration a step further by making provisions legally binding and opening the door to international monitoring of human rights practices. Along with the Universal Declaration, they comprise the *International Bill of Rights*: the conceptual framework to which other human rights instruments have been added.

- *Second Optional Protocol to the Covenant on Civil and Political Rights*: **Adopted by the General Assembly in 1989, the Protocol seeks to do away with capital punishment. It has 18 States parties and is opposed by some countries on grounds that the death penalty is consistent with their laws and customs and serves as deterrent to crime.**

Human rights agreements: a penchant for multilateralism

Of the thousands of treaties registered with the United Nations, about 5 per cent are multilateral. In the human rights field, the opposite is true: virtually all human rights agreements are multilateral. Some 70 human rights treaties and declarations have been negotiated under the aegis of the United Nations, most of them drafted by working groups of the Commission on Human Rights. A few examples:

- *Convention on the Prevention and Punishment of the Crime of Genocide* **(1948; in force, 1951): A direct response to the atrocities committed under nazism and fascism. Defines genocide as the commission of certain acts with the intent to destroy, in whole or in part, a national, ethnic, racial or religious group, and ensures that anyone charged will be prosecuted "whether they are constitutionally responsible rulers, public officials or private individuals".**

- *International Convention on the Elimination of All Forms of Racial Discrimination* **(1965; in force, 1969): One of the most universally accepted international human rights instruments. Obliges States parties to eliminate racial discrimination and declare dissemination of ideas based on racial superiority or hatred punishable by law.**

- *Convention on the Elimination of All Forms of Discrimination against Women* **(1979; in force, 1981): Covers measures to be taken to eliminate discrimination against women in political and public life, education, employment, health, marriage and family, and to embody the principle of equality in national legislation.**

- *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* **(1984; in force, 1987): Holds States parties responsible for preventing torture and making it legally punishable. No exceptional circumstances may be invoked to justify torture, nor can a torturer be excused by virtue of having acted under orders.**

- ***Convention on the Rights of the Child*** **(1989; in force, 1990): Inspired by General Assembly's 1959 *Declaration on the Rights of the Child*. Recognizes the particular vulnerability of children and brings together in one comprehensive code benefits and protections for children scattered in scores of other agreements. Special attention is paid to children who are refugees, disabled or members of minorities. States parties are to attempt to provide primary health care and basic education to assure the right of survival.**

- ***International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families*** **(1990; not yet in force): Defines basic rights and principles and protects migrant workers, whether legal or illegal, throughout the process of migration.**

Regional agreements supplement and expand upon the above international instruments, among them the *European Convention on Human Rights and Fundamental Freedoms* (entered into force in 1953), the *Helsinki Accords* (adopted in 1975), the *American Convention on Human Rights* (entered into force in 1978) and the *African Charter on Human and Peoples' Rights* (entered into force in 1986).

Putting words to work: the UN's many faces

The UN human rights programme has adopted a three-pronged approach for creating and nurturing a "culture" of human rights:

- ***Promotion*****—setting standards, legislation, declarations and conventions;**

- ***Protection*****—special rapporteurs and procedures and mechanisms established by conventions or by resolutions of authorized UN bodies;**

- ***Prevention*****—UN advisory services, education and information.**

The Commission on Human Rights is the principal policy-making organ for human rights within the UN system. Assisting it are the *Sub-Commission on Prevention of Discrimination and Protection of Minorities* and a number of ad hoc working groups and rapporteurs. The General Assembly and subsidiary bodies such as the *Main Committees*, the *Special Committee against Apartheid* and the *Committee on the Exercise of the Inalienable Rights of the Palestinian People* also act on matters of human rights and fundamental freedoms.

- **UN human rights activities are coordinated by the *Centre for Human Rights* in Geneva—the permanent secretariat to the Commission and its related bodies and to human rights treaty bodies. The Centre also serves as clearing-house for communications from**

individuals, non-governmental organizations (NGOs) and Governments on a multitude of human rights issues.

The Secretary-General's good offices

The UN Secretary-General has at his disposal a confidential diplomatic mechanism—*good offices*—by which he may raise urgent human rights problems with the Governments of Member States. Cases might include the release of a political prisoner or the commutation of a death sentence. The Secretary-General's efforts to intercede are discreet and rarely, if ever, publicized, but he continues, at the same time, to make public appeals on behalf of respect for human rights in general.

Fact-finding

Envoys entrusted with the politically sensitive and sometimes dangerous task of compiling information on violations in a specific country or on certain kinds of violations are the special rapporteurs and working groups. Appointed in their individual capacity, not as Government representatives, special rapporteurs gather facts, maintain contact with local groups and Government authorities, visit prisons and other detention centres, interview victims of rights violations and make recommendations on how human rights institutions might be strengthened.

- **Special rapporteurs and working groups have been appointed to conduct "thematic" studies on phenomena such as torture, religious intolerance, arbitrary detention, summary or arbitrary execution and the sale of children—and to take action in instances of abuse falling within its theme. In 1992, after several years of drafting originating in the *Working Group on Detention*, the General Assembly adopted a *Declaration on the Protection of All Persons from Enforced Disappearances*.**

- **"Country" rapporteurs, experts or special representatives review human rights situations in specific countries. States warranting such attention in 1992 were Afghanistan, Cuba, El Salvador, Equatorial Guinea, Haiti, Iran, Iraq, Myanmar and the former Yugoslavia. A special committee continued to report on the Arab territories occupied by Israel, and a group of experts continued its work on South Africa.**

Establishing a dialogue

The Commission and Sub-Commission are authorized to discuss human rights situations in any part of the world. In 1970, the *UN Economic and Social Council (ECOSOC)* enhanced this power, authorizing them to examine any information from individuals, NGOs and other sources which reveals

that "a pattern of gross violations of human rights" exists in a particular country. This mechanism is commonly referred to as the *1503 procedure*, after the number of the ECOSOC resolution.

- **The United Nations uses the 1503 procedure to communicate with concerned Governments in order to clarify or improve human rights situations, or may decide to launch an investigation by objective experts or appoint a special rapporteur to delve further. By 1992, human rights conditions in almost 50 countries had been placed before the Commission under the procedure.**

- **Between 30,000 and 40,000 communications are received every year for processing; in the first three months of 1993, more than 125,000 complaints about violations were received.**

Human rights monitors

Treading new ground, human rights monitors have formed integral components of a number of peace-keeping operations, among them the *UN Observer Mission in El Salvador (ONUSAL)* and the *United Nations Transitional Authority in Cambodia (UNTAC)*. The Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional (FMLN) also created an independent, three-member *Commission on Truth* to investigate serious acts of violence whose impact on society "demands as a matter of the greatest urgency that the public should know the truth".

- **According to ONUSAL's report on its first year of human rights verification, violence and abuses continued and it had not been possible "in the space of a few months to eliminate the consequences of a turbulent past...". ONUSAL concluded that although it had "fulfilled the preventive role assigned to it" concerning protection of human rights, serious problems remained...".**

UNTAC's human rights activities comprise three aspects: a human rights education programme; general human rights oversight of all existing administrative structures in Cambodia; and the investigation of allegations of human rights abuses occurring during the transitional period.

- **UNTAC human rights officers have conducted training for judges, defence lawyers and public defenders, helped introduce human rights studies into the Cambodian educational system and contributed to prison reform. Investigations by a newly established Prisons Control Commission into cases of prisoners whose detention may have been politically motivated had led to the release of more than 250 people as of August 1992.**

An appeals forum

States parties to human rights treaties are obliged to report periodically to international bodies on measures they have taken, on progress they have made and on any difficulties they have encountered in living up to the various instruments. These bodies—committees or groups of experts—then examine these *national reports*, question Government representatives and point out shortcomings. In some instances, they receive complaints from other States parties or individuals. The committees may call upon Governments to respond to allegations and may adopt decisions and publish them along with criticisms or recommendations. Treaty mechanisms usually apply only to States that have agreed to be bound by the treaty; many procedures for handling complaints are optional.

- **Committees created to consider reports, hear complaints and monitor compliance include:** ***Human Rights Committee (for the International Covenant on Civil and Political Rights), Committee on Economic, Social and Cultural Rights (for the International Covenant on Economic, Social and Cultural Rights), Committee on the Elimination of Racial Discrimination, Committee on the Elimination of Discrimination against Women, Committee against Torture*** **and** ***Committee on the Rights of the Child.***

Helping hands

Human rights agreements depend not only upon the will of States parties but also on their capacity to carry out their provisions. *Technical assistance* is usually offered by the United Nations in six areas:

- **Reforming national laws;**
- **Advising on electoral procedures;**
- **Assisting in the ratification of human rights instruments and preparation of national reports;**
- **Supporting democratization;**
- **Strengthening national and regional institutions, such as courts and school systems; and**
- **Training professionals in the administration of justice.**

Albania, Brazil, Bulgaria, Colombia, Costa Rica, Guatemala, Guinea, Iran, Lesotho, Mongolia, Paraguay, Poland, Romania, the Russian Federation and Uruguay are among countries which, since 1988, have received help from the United Nations through the *Programme of Advisory Services and Technical*

Assistance administered by the Centre for Human Rights. Other countries seeking technical cooperation include Ecuador, Latvia, Kyrgyzstan, Mauritania, the Philippines, Sao Tome and Principe, Thailand and Turkey. Under the programme, UN experts meet—at government request—with officials in Government, law enforcement and the judiciary to counsel them on ways to improve respect for human rights in their countries.

- **1987: *Voluntary Fund for Advisory Services in the Field of Human Rights* set up to receive contributions. (The Centre for Human Rights administers a number of other voluntary funds.)**

- **1991: The United Nations received the largest number of requests for technical assistance in its history.**

- **1992: According to a UN human rights official: "Only substantial assistance to individual countries in order to develop appropriate national infrastructures will sustain the action of Governments in favour of human rights."**

Information and education

Information is a powerful deterrent to human rights abuse. Even Governments that initially sought to suppress discussion of human rights have come to recognize that their international image depends to a certain extent on respecting human rights. Unfortunately, it is often the people whose rights are being violated who are the least informed about their rights and about how to take advantage of human rights mechanisms. In response, a world public information campaign has been launched to educate people about their entitlements—and countries about their responsibilities. The campaign also seeks to answer questions about the role and power of the United Nations in the field.

The UN system's human rights umbrella

Other parts of the UN system undertake specialized human rights activities:

- ***UN Children's Fund (UNICEF):* Continues to publicize the recently adopted Convention on the Rights of the Child.**

- ***Office of the UN High Commissioner for Refugees (UNHCR):* Extends legal protection and humanitarian assistance to millions of refugees.**

- ***UN Commission on the Status of Women:* Focuses on elaborating the rights of women.**

- ***International Labour Organisation (ILO)*: Has concluded over 300 treaties pertaining to the rights of workers.**

- ***UN Educational, Scientific and Cultural Organization (UNESCO)*: Responsible for studies, conventions and recommendations on human rights in its fields of work.**

Apartheid: a unique human rights problem

Apartheid is a class of human rights violation that knows no parallel, condemned by the United Nations as a "crime against humanity" incompatible with the Charter and the Universal Declaration of Human Rights. The issue has been on the agenda of the General Assembly since 1946, and the Organization has been instrumental in keeping apartheid in the public eye. The Assembly's *Special Committee against Apartheid* has exerted pressure on the Pretoria regime by urging States to implement and monitor economic sanctions, an oil embargo and a boycott of cultural and sports ties. The *Centre against Apartheid* has spearheaded a public information campaign. The Commission on Human Rights has investigated and publicized charges of ill-treatment of prisoners and detainees.

- ***International Convention on the Suppression and Punishment of the Crime of Apartheid* (1973; in force, 1976): Reaffirms that systematic, legalized racial discrimination known in South Africa as apartheid is a crime under international law and establishes international criminal responsibility of individuals or groups that "abet, encourage or co-operate in the commission of apartheid". Periodic reports from States Parties are reviewed by a "Group of Three", which reports to the Commission on Human Rights.**

- **Each year the United Nations observes 21 March as *International Day for the Elimination of Racial Discrimination*, marking the massacre of 69 unarmed civilians by South African police at Sharpeville in 1960.**

Even with such recent signs of change as the release of Nelson Mandela, President of the African National Congress, and other political prisoners, the United Nations is firm in continuing its vigilance until apartheid is completely eradicated.

- **The Chairman of the Special Committee told the General Assembly in 1992 that international actions against apartheid were as necessary as ever. Now was not the time, he stated, for any Member State "to equivocate, show fatigue or prematurely declare that apartheid is dead".**

In September 1992, the United Nations sent a team of monitors to support the efforts of South Africa to build democratic institutions and a culture of political tolerance and accountability. The *UN Observer*

Mission in South Africa (UNOMSA) is a civilian operation with as many as 60 UN observers deployed in key regions of the country to strengthen structures established under South Africa's National Peace Accord.

- **Observers reinforce efforts at the local, regional and national levels to bring about an end to violence and promote progress towards democracy. By their presence at political marches, rallies and other public events, by observing meetings of local and regional "peace" committees that try to bridge the gaps in South Africa's fragmented society, and by meeting with opinion leaders at all levels, observers exert gentle pressure on all parties to live up to commitments to work towards a united, democratic and non-racial South Africa—and serve as a reminder of international norms and standards of human rights and political freedoms.**

Palestinians: the struggle continues

Since the failure to implement the General Assembly's 1947 partition plan for Palestine and its 1948 resolution articulating the right of Palestinian refugees to return to their homes or receive compensation for their lost or damaged property, the rights of Palestinians have been a special concern of the United Nations. Since 1969, the Assembly has taken a stand on the "inalienable rights of the people of Palestine", including their right to self-determination, national independence and sovereignty. The Assembly's *Committee on the Exercise of the Inalienable Rights of the Palestinian People* has put forth a programme to enable the Palestinian people to exercise their rights and to bring about a solution to the question of Palestine; the recommendations were endorsed by the General Assembly in 1976, but they have not been accepted by the Security Council.

- **Since 1969, the question of the "violation of human rights in the occupied Arab territories, including Palestine" has been on the agenda of the Human Rights Commission.**

- **Each year, the *Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories*, established by the General Assembly in 1968, monitors Israeli policies and practices and draws up a report which serves as basis for discussion.**

- **Israel has refused to cooperate with the Special Committee, maintaining that its mandate is one-sided and discriminatory, and that it prejudges the issues.**

Since 1988, the uprising against Israeli occupation—the *intifadah*—has brought into sharp international focus the question of human rights for the Palestinian population of the Israeli-occupied territories of the West Bank and Gaza.

- **1992: The General Assembly welcomed the peace process started at the Madrid Peace Conference in 1991 and called for an international peace conference under UN auspices.**

- **The United Nations is attending multilateral negotiations of the Middle East peace talks, in which working groups are discussing refugees, water, environment, economic and regional development, arms control and regional security.**

- **Since 1977, the United Nations has observed 30 November as *International Day of Solidarity with the Palestinian People*.**

THE STATE OF THE WORLD'S INDIGENOUS PEOPLES

UNITED NATIONS

"I consider this prize not as an award to me personally, but rather as one of the greatest conquests in the struggle for peace, for human rights and for the rights of the indigenous people who...have been the victims of genocides, repression and discrimination."

Rigoberta Menchú, a Quiché Indian of Guatemala and UN Goodwill Ambassador for the International Year of the World's Indigenous People, accepting the 1992 Nobel Prize for Peace, Oslo, Norway, 10 December 1992

"The way indigenous people are treated by States and the international community will be a major test of the seriousness of our commitment to a genuinely universal human rights regime. If we are serious about development, political participation and human rights, we must address the special situation of indigenous people."

Boutros Boutros-Ghali, United Nations Secretary-General, at the opening ceremonies for the International Year of the World's Indigenous People, Human Rights Day, 10 December 1992

Indigenous peoples can be considered among the most disadvantaged groups on Earth. Many have been driven into lives of poverty and despair—often on lands taken from them by force. Excluded from the decision-making process, many have been marginalized, exploited, assimilated and subjected to repression, torture and murder when they speak out in defence of their rights. Fearing persecution, they may try to mask their identity, abandoning their languages and traditional clothing.

- **"Our human rights have been violated left, right and centre", says one indigenous person, "and so we feel we have to come here to the United Nations to try to let the international community know..."**

- **During the colonial era, many indigenous peoples were annihilated by those who settled in waves upon their lands. Massacres, military conquest, land seizures, razing of villages, forced relocations and other forms of physical and economic coercion became grim realities.**

- **Between 1500 and the mid-1600s, the number of indigenous peoples in Central and South America was reduced from approximately 80 million to 3.5 million.**

- **Forced settlement of indigenous areas and confiscation of indigenous lands persist. Twentieth-century variations have included Government policies stressing guardianship, trusteeship or segregation of indigenous groups on reservations.**

Indigenous peoples have responded to the ongoing crisis with vigour and resilience. One can discern a renaissance in indigenous cultures and a self-confidence in the way in which they have taken up the political cudgel. Today, their concerns are on the agenda of the international community and the United Nations as never before.

- **The *UN General Assembly* proclaimed 1993 *International Year of the World's Indigenous People* with the theme, "Indigenous People: A New Partnership". The Year is intended as a turning point in the struggle by indigenous peoples to gain recognition of their rights in areas such as self-rule, land, natural resources, language, education, health, housing, employment, intellectual and cultural property and the status of treaties concluded with States.**

The UN's consideration of the human rights problems facing indigenous peoples began in earnest with a study conducted by *Special Rapporteur José R. Martínez Cobo* from 1971 to 1984. His comprehensive work led to the creation, in 1982, of the *Working Group on Indigenous Populations*, which, under *Erica-Irene A. Daes,* Chairperson/Rapporteur since 1984, has become the focal point for UN activities concerning indigenous people.

- **The Working Group's yearly meeting in Geneva is among the largest UN forums in the field of human rights. Though not an arena for adjudicating complaints against Governments, sessions permit direct criticism of current practices.**

- ***Voluntary Fund for Indigenous Populations*: Provides financial assistance to indigenous communities and organizations to enable their representatives, especially those in remote areas, to attend sessions of the Working Group. There is a separate *Voluntary Fund for the International Year*.**

- **The Working Group expects to complete, by the end of 1993, a *draft Universal Declaration on the Rights of Indigenous Peoples*, which indigenous peoples hope to have proclaimed by the General Assembly as a major statement of their rights.**

Who are the world's indigenous peoples?

Scholars, jurists, international organizations and indigenous peoples have tried to define the term "indigenous". The Working Group has not adopted a single definition, but for the purposes of international action the *Martínez Cobo Report* offered the following:

- **"Indigenous communities, peoples and nations are those which, having a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of the societies now prevailing in those territories, or parts of them."**

- **"They form at present non-dominant sectors of society and are determined to preserve, develop and transmit to future generations their ancestral territories, and their ethnic identity, as the basis of their continued existence as peoples, in accordance with their own cultural patterns, social institutions and legal systems..."**

Indigenous people are also called "first peoples", tribal peoples, aboriginals and autochtons. They number approximately 300 million and live in more than 70 countries on five continents.

- **The majority—more than 150 million—live in Asia.**

- **Roughly 30 million indigenous people live in South America. More than 60 per cent of Bolivia's population is indigenous; indigenous people make up well over half of the populations of Guatemala and Peru.**

- **About 2.5 million indigenous people live in North America.**

At least 5,000 indigenous groups can be distinguished by linguistic and cultural differences and by geographical separation. Some are forest-dwellers, others urban. All indigenous peoples share some basic traits, foremost among them a deep spiritual bond with their traditional lands.

The front line: land and environment

To indigenous peoples, land is the source of all life, a gift from the creator that nourishes, supports and teaches.

- **Says an indigenous spokesperson, "Every part of the Earth is sacred to my people. Every shining pine needle, every sandy shore, every mist in the dark woods, every clearing and humming insect is holy in the memory and experience of my people."**

- **The holistic and future-oriented approach of indigenous peoples to wildlife, forests and ecosystems is the very essence of sustainable development.**

- **Though some indigenous people engage in unsustainable practices, experts say the planet's healthiest ecosystems tend to be found on indigenous lands.**

Inhabiting some of the planet's most vulnerable ecosystems—tropical rainforests, coastal zones, the arctic—indigenous peoples are among the first to be affected by environmental degradation. The lands of indigenous peoples also come under pressure because they are among the world's most valuable lands.

- **Most significant mineral deposits in Australia are on Aboriginal territories.**

- **Tropical forests—home to 50 million indigenous people—are logged to clear land for grazing and agriculture and to feed the lucrative export market for timber and tropical hardwoods.**

- **Land itself is seen as offering a solution to the problem of overpopulation. In some countries, crowding in cities has been eased through settlement of more sparsely populated lands inhabited by indigenous people.**

In the past 40 years, Governments, development banks, national and transnational corporations and entrepreneurs have looked to the lands of indigenous peoples for resources to meet the growing demands of high-consumption industrialized societies and the needs of fast-swelling populations in developing countries. For indigenous peoples, the results have been disastrous.

- ***Deforestation:*** **Caused flooding, desertification, destruction of sacred sites and disruption of traditional economic activities such as fishing and hunting.**

- **Mercury used by gold *miners:* Poisoned nearly 1,500 kilometres of the Amazon river systems. Yanomami Indians in Brazil and Venezuela have died from diseases brought in by miners, for which they lack immunity.**

- ***Dams and hydroelectric projects:*** **Could displace many indigenous people in Asia.**

- ***Toxic waste*** **dumping in Canada, *acid rain* in Northern Europe and *nuclear testing* in the Pacific have also affected indigenous peoples.**

The attempt by indigenous peoples to exert greater control over their lives usually begins with land issues. As the Chairman of Yarrabah, an Aboriginal community in Queensland, Australia, stated recently, "If we haven't got land rights, what've we got to manage anyway?"

To the summit...

Indigenous peoples voiced their concerns about the state of their lands and the environment at the 1992 *Earth Summit*, or *UN Conference on Environment and Development (UNCED)*, held in Rio de Janeiro, Brazil.

- **From the *Rio Declaration on Environment and Development*: Indigenous peoples have a vital role to play in environmental management and States should support "their identity, culture and interests".**

- ***Agenda 21*, a blueprint for environmental action adopted at Rio: Calls for protecting lands of indigenous peoples and strengthening their participation in formulating policy on resource management, conservation and sustainable development.**

- **Indigenous peoples issued their own *Rio Declaration of Indigenous Peoples*, demanding that their human rights and freedoms be protected.**

...and beyond

The UN system has taken some practical steps to address the environmental degradation faced by indigenous peoples.

- **In the Central African Republic, the *United Nations Development Programme (UNDP)* sponsored a seminar on Pygmy life as part of its continuing efforts to explore, with government officials and non-governmental organizations, how best to meet the Pygmies' health and education needs.**

- **In Nepal's remote Seti Zone, a literacy project sponsored by UNDP, the *United Nations Children's Fund (UNICEF)* and the *United Nations Educational, Scientific and Cultural Organization (UNESCO)* also offers instruction in how to care for forests, maintain trails, grow more vegetables and build latrines and fuel-efficient cooking stoves.**

- **In 1992, the *International Fund for Agricultural Development (IFAD)* issued a grant of $2 million to *Corporación Andina de Fomento* to help 120,000 indigenous inhabitants of Bolivia, Brazil, Colombia and Venezuela protect their forests.**

- **The *UN Transnational Corporations and Management Division (TCMD)* is compiling a database on investments and operations on the lands of indigenous peoples. Progress reports have noted that risky projects are more likely to be sited on lands of indigenous peoples—and less likely to be supervised because of their remoteness. Case studies involving the Cree of Canada, the Kuna of Panama, the Blackfeet Nation and the Akwesasne of the United States indicate that the key to improved environmental performance by transnational corporations is sufficient participation by indigenous people.**

Through their own efforts at lobbying Governments or pursuing court cases, indigenous peoples have managed to regain lands and stave off further losses.

- **The High Court of Australia declared in 1992 that traditional land rights of Murray Island people in the Torres Straits had not been extinguished by arrival of the British in Australia. Since 1788, the basis of European occupation of Australia had been the doctrine of *terra nullius*, by which colonial powers proclaimed indigenous lands empty and unoccupied.**

- **In 1991, the Government of Brazil created a reserve for the Yanomami Indians on their traditional lands in the Amazon basin. Combined with a similar reserve in Venezuela, the Yanomami homeland now spans more than 68,000 square miles. Brazil's miners must seek approval from Indian communities and from *Funai*, the country's agency for the protection of Indians.**

Indigenous knowledge—a resource for development

Intellectual property encompasses the preservation of indigenous knowledge bases in fields such as medicinal plants, agricultural biodiversity and environmental management.

- **Scientists say indigenous medicinal knowledge may help find cures for cancer, AIDS (acquired immunodeficiency syndrome) and other diseases. However, profits from the use of medicinal products—such as aspirin, digitalis and quinine—derived from medicinal plants discovered by indigenous peoples are rarely shared with indigenous peoples.**

- ***Traditional ecological knowledge (TEK)* of indigenous peoples is expected to play a major role in sustainable development. A 1992 *UN Technical Conference* held in Chile recommended that the United Nations take steps to protect the genetic resources, biotechnology and biodiversity of indigenous peoples.**

Preserving the past, protecting the future

Cultural property refers to relics, archaeological sites, weavings and other textiles, skeletal remains, rituals, songs, legends and other important religious or secular materials.

- **The 1970 *UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property* and the 1972 *UNESCO Convention concerning the Protection of the World Cultural and Natural Heritage* give indigenous peoples legal support for protecting cultural property from theft or treatment in a manner they regard as undignified or sacrilegious.**

- **The Kwakiotl Indians of Canada invoked the Convention to secure the return of artefacts taken when police broke up the 1922 Potlatch, a ceremony once banned in Canada.**

- **In 1984, UNESCO and the *World Intellectual Property Organization* developed "Model Provisions for National Laws on the Protection of Expressions of Folklore Against Illicit Exploitation and Other Prejudicial Action". No country has adopted the measure.**

The Working Group on Indigenous Populations is preparing a study for the *UN Sub-Commission on Prevention of Discrimination and Protection of Minorities* on the laws and traditions of indigenous peoples with respect to cultural property.

The campaign for self-rule

Indigenous peoples base their claims to self-rule on the fact that the principle of self-determination is mentioned in the *UN Charter* and included in the *International Covenants*. The Martínez Cobo Report states that self-determination is a basic right to be enjoyed by indigenous people "expressed in different forms of autonomy within the State". Over the years, indigenous peoples have achieved a number of tangible successes in their drive for self-rule.

- **1979: Denmark passed the *Home Rule Act* granting the Inuit population of Greenland wide powers of self-government within a single state while maintaining Denmark's territorial and legal unity.**

- **1973: Finland created the *Saami Parliament*, a move paralleled in Norway in 1987 with creation of the *Saami Advisory Council*.**

But for most of the world's indigenous people, even limited governmental power is rare. Authority is often granted to indigenous peoples for social customs and religious affairs. But on strategic issues such as control over mineral resources, power rests with national parliaments or other bodies in which indigenous peoples are usually underrepresented.

Towards a body of international standards

The first international legal agreements specifically addressed to the issues of indigenous rights were *International Labour Organisation (ILO) Convention No. 107* and *Recommendation No. 104 on the Protection of Indigenous and Tribal Populations*, adopted in 1957.

- **Shortcomings in the Convention and continued discrimination against indigenous peoples led the ILO to adopt a revised convention (No. 169) on Indigenous and Tribal Peoples. Only five countries (Bolivia, Colombia, Costa Rica, Mexico and Norway) have ratified the convention; universal ratification remains a major goal of indigenous peoples.**

In the last few years attention has been focused on the Working Group and its deliberations on the draft Universal Declaration. In addition to differences on individual issues, challenges have arisen in three broad areas:

- ***Definitions.* For example, what precisely is meant by self-determination?**

- ***Flexibility.* Given the diversity of the world's indigenous peoples, language must be broad enough to be inclusive yet specific enough to be effective.**

- ***Acceptability.* Indigenous peoples realize that there are things Governments will and will not do. How far can indigenous peoples go in acknowledging these realities without diluting the force of the rights and protections they seek?**

On *Human Rights Day 1992*, launching the International Year of the World's Indigenous People, Secretary-General Boutros Boutros-Ghali acknowledged these difficulties, stating that agreeing on the text of the declaration and reaching consensus on the treatment of indigenous people will not be easy or straightforward.

- **"Some communities wish to preserve their distinctive ancient culture apart from the mainstream; others seek the path of integration into modern society. Some members of**

indigenous communities may wish to leave them; others may wish to pursue traditional cultures without change."

The legal landscape

Indigenous peoples attach great importance to the treaties and other pacts they have reached with Governments as a symbol of their collective identity and right to self-determination—and as one of the best ways to gain control over land and resources. However, treaties and laws are often undermined by a lack of enforcement or by judicial decisions. Indigenous peoples also question the validity of treaties—some dating back to the 17th and 18th centuries—which were negotiated under economic or military pressure.

- **1983: A Canadian Government committee described the Indian Act of 1876 as the main obstacle to Indian self-development and self-sufficiency.**

- ***UN Special Rapporteur Miguel Alfonso Martínez* is studying treaties and agreements between indigenous peoples and present-day nation-States or countries acting as colonial administering powers at the time in question. Hundreds of documents are coming under review; the study is expected to be completed in 1995.**

Participation—indigenous peoples in action

Twelve organizations of indigenous peoples have consultative status with the *Economic and Social Council (ECOSOC)*. In addition, the Working Group has been opened for the participation of representatives of grass-roots indigenous organizations that do not have consultative status.

- **Indigenous peoples and their organizations use UN human rights mechanisms when confronted with gross and consistent patterns of human rights violations.**

- **Special rapporteurs who investigate human rights situations in specific countries or prepare reports on themes such as religious intolerance address the concerns of indigenous peoples when asked to do so.**

The international year: an unprecedented platform

On Human Rights Day 1992, indigenous peoples marked the launching of the International Year with special ceremonies at UN Headquarters in New York. At a General Assembly briefing:

- Premier Lars Emil Johansen of Greenland called racism the greatest threat to indigenous peoples.

- Mary Simon, an Inuk leader from Nunavik in Northern Canada, proposed creating a permanent UN advisory body made up of representatives of indigenous peoples.

- Giichi Nomura, President of the *Ainu Association of Hokkaido, Japan,* counselled vigilance about the impact of foreign aid and corporate activities on indigenous peoples.

- Thomas Banyacya, a Hopi Elder from the United States, said his spiritual leaders had an ancient prophecy that someday world leaders would gather in a great House of Mica with rules and regulations to solve problems without war. "I'm amazed", he said, "to see the prophecy has come true and here you are today."

- A cultural event to launch the International Year included performances by indigenous artists from North America, Latin America, Australia, Greenland, Norway and the Philippines. The event was co-sponsored by the *United Nations Centre for Human Rights*, UNDP, UNESCO, ILO, the *United Nations Environmental Programme (UNEP)* and the *United Nations Development Fund for Women (UNIFEM)*.

- Speaking at the General Assembly session opening the International Year, Assembly President Stoyan Ganev of Bulgaria stated: "The international community is increasingly coming to appreciate that so-called 'civilization' has much to learn from so-called 'primitive peoples', but the question is whether we will learn our lessons in time."

HUMAN RIGHTS, DEVELOPMENT AND DEMOCRACY

UNITED NATIONS

"Full human dignity means not only freedom from torture, but also freedom from starvation. It means freedom to vote as it means the right to education. It means freedom of belief as it means the right to health. It means the right to enjoy all rights without discrimination. And true development requires a solid basis of democracy and popular participation."

Boutros Boutros-Ghali, United Nations Secretary-General, in his message for Human Rights Day, 10 December 1992

Which rights, if any, are preeminent?

Debate over this and several related questions has been heard within the UN system since the Organization's earliest efforts to define, promote and protect human rights.

- **Is there a conflict between civil and political rights on the one hand and economic, social and cultural rights on the other?**
- **Do human rights begin with economic and social concerns such as shelter, nutrition, health, education and employment, or are political freedoms the key to fulfilling these and other human needs?**
- **Do countries have to attain certain levels of development before the civil and political rights of their citizens can be recognized?**
- **Are Governments obliged to respect political rights if countries are mired in poverty or chronic underdevelopment?**

Human rights and development: a two-way street

Both development and human rights have as their main concerns survival, justice and human well-being. In the broadest sense, development can be viewed as the process by which all human rights are to be realized, and human rights as the goal of development—a set of standards to be met through development.

- **The preamble to the *UN Charter* speaks of both "fundamental human rights" and "social progress and better standards of life in larger freedom".**

- **In his 1992 *Report on the Work of the Organization*, Secretary-General Boutros-Ghali wrote that sustainable development is not possible without respect for human rights and that "human rights are meaningless in an environment of poverty and deprivation".**

Development was once defined almost solely in terms of economic growth. But development strategies oriented merely towards economic considerations have often failed to achieve social justice. In the process, human rights may have been infringed or denied.

- **Today development is understood to include participation in decision-making, equal opportunity, equal access to resources and adherence to international human rights standards. It is also acknowledged that no one model of development is universally applicable to all cultures and peoples.**

Although the *Universal Declaration of Human Rights* includes a range of civil, political, economic, social and cultural rights, subsequent action by the United Nations separated them into two distinct treaties: the *International Covenant on Civil and Political Rights* and the *International Covenant on Economic, Social and Cultural Rights*.

- **Civil and political rights: "freedoms from" such things as discrimination, torture, slavery and arbitrary arrest and detention, and assurances of liberty in matters such as speech, conscience and peaceful assembly.**

- **Economic, social and cultural rights: tend to be conceived of in more positive terms—as "rights to" such things as education and employment.**

- **"Solidarity" or "collective" rights: include the right to development and the right of peoples to cultural, economic, political and social self-determination.**

Forging a right to development

In 1941, the Allied Powers of the Second World War proclaimed "freedom from want" to be one of their postwar objectives. The Allies repeated their commitment to the "four freedoms" (the others being freedom of speech, of worship and from fear) in the 1941 Atlantic Charter and the 1942 Declaration on the United Nations. Efforts to fashion a right to development continued with the founding of the United Nations.

- **From the Universal Declaration of Human Rights: "Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized."**

- **From the International Covenant on Economic, Social and Cultural Rights: Everyone has the right "to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions". The Covenant also recognizes rights to work, social security, education and the highest attainable standard of physical and mental health.**

- **From the *Declaration on Social Progress and Development* adopted by the General Assembly in 1969: "Social progress and development shall aim at the continuous raising of the material and spiritual standards of living of all members of society, with respect for and in compliance with human rights and fundamental freedoms".**

In 1986, the General Assembly adopted the *Declaration on the Right to Development*, which established "an inalienable human right by virtue of which each person and all peoples are entitled to participate in, contribute to and enjoy economic, social, cultural and political development in which all human rights and fundamental freedoms can be fully realized". The Declaration states, among other things:

- **The human person is the central subject of development and should be the participant and beneficiary of the right to development;**

- **All human beings have a responsibility for development;**

- **States have the primary responsibility for creating national and international conditions favourable to the realization of the right to development.**

Neglected rights?

Many developing countries feel that the world community has ignored urgent economic, social and cultural needs and the right to development. During the 1992 session of the General Assembly, several delegates explained why they regard subsistence and development as primary needs—and civil and political rights as more long-term goals. Among them:

- **Li Daoyu (China): "If the international community genuinely cared about the human rights situation in developing countries, then it should help to reduce their external debt burden, provide them with unconditional assistance and create a better international**

environment for their survival and development. In too many cases, human rights are artificially politicized and used as a tool to pursue a certain ideology."

- **Andress Goh (Singapore): "Rights cannot be divorced from the responsibilities and obligations which derive from their social context....In some Asian societies, for example, the right to a decent standard of living might be more important for the individual than an unimpeded right to self-expression."**

Some developing countries see the emphasis on civil and political rights as an attempt to impose others' values on their societies. For the future, many developing countries want the international community to demonstrate as much commitment to economic, social and cultural rights—and in particular to the right to development of vulnerable groups—as it has to civil and political rights.

- **The *Rio Declaration on Environment and Development* adopted at the 1992 *Earth Summit* in Rio de Janeiro, Brazil, calls on Governments to fulfil the right to development.**

- **A *World Summit for Social Development*, scheduled to be held in March 1995 in Copenhagen, Denmark, is expected to concentrate on the need for greater international cooperation to promote higher standards of living, full employment and economic and social progress.**

Dissenting voices

Many industrialized countries take the stance that political rights are the foundation on which the economic and social welfare of individuals and communities should be built. In this view, development can be achieved only if individual energies are liberated through guaranteed civil and political freedoms. In addition, nations that favour the preeminence of civil and political rights say that a lack of these rights can permit authoritarian Governments to remain in power—creating what they say is an obstacle to economic, social and cultural development. They note that the ability to fight repression, corruption, environmental degradation and abuses over land or working conditions may depend on the freedom to exercise civil and political freedoms.

Indivisible, interrelated, interdependent

Ranking or prioritizing rights can detract from the goal of realizing all human rights—civil, political, economic, social and cultural. Since the 1950s, the General Assembly has confirmed on several occasions its view that the full enjoyment of one depends on the realization of the others.

- **The General Assembly stated in 1991 that "all human rights and fundamental freedoms are indivisible and interrelated" and "promotion and protection of one category of rights should never exempt or excuse States from the promotion and protection of another".**

- **From the Declaration on the Right to Development: "All human rights and fundamental freedoms are indivisible and interdependent...equal attention and urgent consideration should be given to the implementation, promotion and protection of civil, political, economic, social and cultural rights."**

Beyond elections: the full meaning of democracy

A 1991 report of the UN Secretary-General summarizing the views of Member States concluded that failure to apply and respect the principles of democratic government has been a serious obstacle to the realization of the right to development.

- **In recent years, the United Nations offered technical advice on elections to Albania, Angola, the Congo, El Salvador, Ethiopia, Guinea, Guyana, Haiti, Liberia, Madagascar, Mali, Namibia, Nicaragua, Romania, Rwanda and Togo.**

- **Elections organized and conducted by the United Nations in Cambodia in May 1993 saw some 4.2 million people—roughly 90 per cent of the registered voters—participate in free and fair general elections, the focal point of that country's comprehensive peace settlement. The newly elected assembly was to draw up a constitution and then transform itself into a legislative assembly to establish a new government for all Cambodians.**

- **Two months earlier, Eritreans voted overwhelmingly for secession from Ethiopia in a referendum observed and verified by the United Nations. The Organization is also organizing a referendum in Western Sahara.**

But democracy is more than elections. Many say that the mere introduction of political pluralism is not enough to turn a poor society into a prosperous one. Several countries fear a backlash against democracy if poverty or other economic hardships persist after democratic rule has been established.

- **During the 1991 General Assembly debate, Bangladesh's Foreign Minister, Mostafizur Rahman, said, "Without democracy a people's potential for socio-economic progress cannot flower. Equally, without improved standards of living and a vision of the future that can sustain hope, democracy will wither."**

- **At the same session, Cape Verde's Foreign Minister, Jorge Carlos Fonseca, said, "Democracy and human rights alone cannot ensure the well-being and happiness of peoples and are certainly not a substitute for economic development. Certainly democracy and the protection of human rights are indispensable conditions for creating a favourable climate for development, but development that is in and of itself an important factor in consolidating democracy also requires human and material resources and a policy aimed at creating a prosperous and wealthy society."**

Measuring development

In 1990, a *UN Global Consultation on the Right to Development as a Human Right* concluded, among other things, that criteria are needed to measure progress in the realization of the right to development, and that such criteria are essential for future efforts to implement the right. Experts at the meeting suggested grouping the criteria under four headings:

- ***Conditions of life:*** **basic material needs such as food, health, shelter, education, leisure and healthy environment;**

- ***Conditions of work:*** **including employment, income and degree of participation in management;**

- ***Equality of access to resources:*** **such as land, water, financial capital, training and technology; and**

- ***Participation:*** **the democratic nature and effectiveness of processes, mechanisms and institutions at the local, national, and international levels.**

In a separate effort to quantify socio-economic progress, the *UN Development Programme (UNDP)* created a *human development index (HDI)*, which has been included in a *Human Development Report* published annually by UNDP since 1990. According to UNDP, the HDI integrates life expectancy, adult literacy and income in an innovative way to produce a yardstick more comprehensive than gross national product (GNP) alone for measuring country progress.

- **The 1993 report concludes that despite recent changes favouring market economies, multi-party democracies and grass-roots activities, 90 per cent of the world's people still have no say in the political, economic, social and cultural factors that shape their lives. Ethnic minorities, women, the poor, rural dwellers and the disabled have very little power to change their lives, the report says.**

- Among the 1992 report's major conclusions: rich and poor countries compete in the global marketplace as unequal partners, and global markets do not operate freely. This costs developing countries $500 billion a year—10 times what they receive in foreign assistance.

- The 1991 report concluded that Governments could save more than $50 billion a year by "restructuring national budgets—away from wasteful expenditures on the military and on loss-making public enterprises, and towards more relevant priorities such as basic education and primary health care". "The lack of political commitment", said the report, "not of financial resources, is often the real cause of human neglect."

HUMAN RIGHTS AND HUMANITARIAN ASSISTANCE

"Relief without going to the root causes of the problems is like... putting up an umbrella in a hurricane. We have to remind the parties in the conflicts that they have to do something about either development or sharing of resources in such a way that relief operations don't come back as a recurrent phenomenon, or in the case of civil wars, that there has to be a process of dealing with the root causes and getting solutions to the basic political problems."

Jan Eliasson, Under-Secretary-General of the United Nations Department of Humanitarian Affairs

From the Balkans to the Horn of Africa, human rights are an integral component of situations in which humanitarian assistance is required. Victims might be refugees, people displaced within their own countries or other civilians caught up in internal violence or public disturbances. Still, their plight is the same: their human rights are likely to have been violated; they need protection from abuses during their upheaval; and their rights must be respected once the emergency has passed and they seek to resume their lives. Consider these ongoing crises:

- **Bosnia and Herzegovina: Discrimination along ethnic, religious and national lines is at the heart of conflict in which atrocities associated with "ethnic cleansing" have resulted in the largest coerced movement of peoples in Europe since the Second World War.**

- **Somalia: Prolonged drought, repression and clan-based civil strife combined to help bring about the virtual collapse of the country, producing more than one million refugees, exposing at least one million people to starvation and generating an international relief effort unprecedented in scope.**

People also face emergency situations as a result of poverty, population pressures or environmental degradation. Some taking part in UN-system discussions have stated that such situations are a denial of economic and social rights and that, in some cases, they amount to a form of persecution by which, under international law, people can be accorded refugee status.

The UN system has led the international community's response to the ever-growing number of humanitarian challenges. The *UN High Commissioner for Refugees (UNHCR)* and the new *Department of Humanitarian Affairs (DHA)* have been at the forefront of this effort, working with Governments,

International and regional organizations, the *International Committee of the Red Cross (ICRC)* and many others in the non-governmental community.

Rights and refugees

"Human rights violations are a major cause of refugee flows", says *Sadako Ogata*, the *UN High Commissioner for Refugees*. "Although the immediate cause of most refugee movements is armed conflict or serious internal disturbance, human rights violations, combined with severe economic deprivation, usually lie at the root of the conflict or aggravate it. In situations where fear of persecution is the basis of flight, the link between human rights violations and refugee flows is even clearer."

Refugees also suffer a range of rights abuses once they leave their homes, from piracy and rape to arrest, detention, torture and discrimination in the country to which they have escaped.

- **Roughly one of every 140 people in the world today has been driven from his or her home—nearly 19 million refugees and some 20 million people displaced within their own countries.**

- **More than 80 per cent of all refugees are in the developing world, many in the poorest regions of some of the world's least developed countries. Africa is host to roughly 30 per cent of the world's refugees.**

The *Universal Declaration of Human Rights*, adopted by the *General Assembly* in 1948, establishes the link between refugees and human rights, stating that "everyone has the right to seek and to enjoy in other countries asylum from persecution". The main treaties establishing the rights of refugees *per se* are the *Convention Relating to the Status of Refugees* (1951) and its *Protocol* (1967).

- **A refugee, the Convention reads, is "any person who...owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable, or owing to such fear, is unwilling to avail himself of the protection of that country..."**

- **The Convention and Protocol firmly establish the principle of "non-refoulement", which ensures protection for refugees against being returned to their country of origin against their will. Treaties also affirm the right of refugees to employment, education, public assistance, social security and travel documents.**

- **The Convention has only 15 States parties in Asia, the Middle East and North Africa combined.**

UNHCR's job is to coordinate world-wide efforts to protect the world's refugees, provide humanitarian assistance and seek a permanent solution to their predicament. The *UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA)* provides health, education and relief and social services to roughly 2.6 million Palestinian refugees in Jordan, Lebanon, the Syrian Arab Republic, the West Bank and the Gaza Strip.

In recent years, the inadequacies of asylum as a solution have become evident. To counter the Convention's "post-flight" emphasis, UNHCR is now paying greater attention to conditions in the country of origin and reinforcing contacts with the human rights sectors of the UN system.

Internally displaced persons: a legal no man's land

Often, refugees and internally displaced persons take flight for identical reasons; the internally displaced are sometimes called internal or *de facto* refugees. Says Ms. Ogata, "The protection and assistance needs of the internally displaced are no less compelling than [those of people] who cross national frontiers."

- **No specific international standards protect the internally displaced.**
- **No single international body has the mandate to protect their rights.**
- **Internally displaced persons who live far from international borders are less likely to cross a border and qualify for assistance as refugees.**
- **International humanitarian law, which seeks to protect the human rights of victims of international armed conflict, has only limited effect in many internal disturbances.**

Coming to the aid of internally displaced persons in the former Yugoslavia poses a terrible dilemma. By promoting asylum—part of its mandate—UNHCR may be helping to encourage the ethnic-based mass expulsions sought by the aggressors. But if UNHCR and other aid agencies fail to help people reach safety, murder, rape, arbitrary detention and persecution will continue. The case for setting legal rules to protect the internally displaced is thus becoming stronger.

- **A 1992 report by *UN Secretary-General Boutros Boutros-Ghali* called for a "comprehensive, universally applicable body of principles which addresses the main needs and problems" of internally displaced persons.**
- **A 1990 meeting of experts convened by the *Institute for Human Rights* at Finland's Abo Akademi University adopted the *Declaration of Minimum Humanitarian Standards*, aimed at**

victims of internal violence, disturbances, tensions and public emergencies. The *UN Subcommission on Prevention of Discrimination and Protection of Minorities* is taking note of the Declaration as part of its continuing work on the subject.

Sovereignty and the "right to intervene"

The international community's provision of humanitarian assistance, prevention of new flows of refugees and displaced persons and promotion of respect for human rights have to be carried out with respect for national sovereignty. But as Secretary-General Boutros-Ghali wrote in *An Agenda for Peace*, his 1992 report to the *Security Council*, the meaning of sovereignty is changing:

- **"The time of absolute and exclusive sovereignty...has passed; its theory was never matched by reality. It is the task of leaders of States today to understand this and to find a balance between the needs of good internal governance and the requirements of an ever more interdependent world....One requirement for solutions to these problems lies in commitment to human rights..."**

The debate over sovereignty has arisen largely because rights violations can have consequences that go beyond national borders—and also out of simple concern for human misery. Can the world watch idly as rights are violated and innocent people suffer and die?

- **Says Dr. Bernard Kouchner, founder of *Médecins sans frontières* and France's Minister for Health and Humanitarian Affairs: "Humanitarian assistance constitutes without question both a right and a duty....It is a natural right not to die too soon and to be saved from death in those situations where intervention is technically possible".**

Mr. Eliasson of the UN Department of Humanitarian Affairs says there is a pressing need to "carefully define the line between the humanitarian solidarity the world now demands for innocent populations caught in conflicts and the compelling arguments of national sovereignty". For the United Nations, it is vital to guard against any diminution of the Organization's impartial and neutral character as an intergovernmental body.

Within the UN system a series of recent actions has challenged traditional notions of national sovereignty and appears to have tipped the balance in favour of those in need.

- **1991: The General Assembly adopted a set of principles for strengthening coordination of UN humanitarian assistance, emphasizing the importance of providing international emergency assistance while stressing that sovereignty should be respected.**

- **1991: The Security Council condemned repression against Kurds and other civilians in Iraq as a threat to international peace and security and insisted that Iraq grant immediate access to international humanitarian organizations. Resolution 688 also affirmed commitment to Iraq's sovereignty, territorial integrity and political independence. Iraq and the United Nations subsequently signed a *Memorandum of Understanding* in which Iraq agreed to allow a UN humanitarian presence; members of the Persian Gulf war coalition then established a "safety zone" for civilians in northern Iraq.**

- **January 1992: The Security Council declared at its first-ever meeting at the level of Heads of State or Government that it "needs to give the highest priority" to "non-military" threats to peace and security "in the economic, social, humanitarian and ecological fields".**

- **August 1992: The Security Council passed a resolution allowing for the possibility of using outside military force to guarantee unimpeded delivery of humanitarian assistance in Bosnia and Herzegovina.**

- **December 1992: Responding to the crisis in Somalia, the Security Council authorized the use of force to secure delivery of humanitarian aid to Somalia and welcomed the offer by a Member State (the United States) to establish an operation to create a secure environment there.**

International humanitarian law

International humanitarian law deals with protecting victims of armed conflicts from violence and other violations of human rights. Standards have been codified in the four *Geneva Conventions* (1949) for the protection of war victims and in two *Additional Protocols* (1977). The combined goal of these instruments is to restrict the use of violence against those who are not engaged in armed fighting and to prohibit methods of warfare that cause unnecessary suffering or damage to the environment.

- **Four Conventions, which have been ratified or acceded to by 181 States, cover the sick and wounded on land; wounded, sick and shipwrecked members of armed forces at sea; prisoners of war; and civilian victims.**

- **The First Protocol, which has 125 States parties, covers victims of international conflicts.**

- **The Second Protocol, with 116 States parties, seeks to protect victims of internal conflicts.**

- **The Conventions and Protocols were adopted under the aegis of ICRC—which, under the treaties, is given the mandate to protect and assist war victims.**

- **Other agreements negotiated by United Nations are also part of the international body of humanitarian law, among them the *Convention on the Prevention and Punishment of the Crime of Genocide* (1948) and the *Declaration on the Protection of Women and Children in Emergency and Armed Conflict* (1974).**

The United Nations has invoked the Geneva Conventions and Protocols often, most recently over the conflict in the former Yugoslavia and conditions in the Israeli-occupied territories.

- **In 1992, the Security Council stressed that all parties to the conflict in the former Yugoslavia were bound to comply with international humanitarian law and the Geneva Conventions—and that persons who breach the Conventions or order others to do so would be held individually responsible.**

- **The Security Council and General Assembly have stated repeatedly that the *Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War* is applicable to all territories occupied by Israel since 1967. Twice in 1992, the Council cited the Convention in condemning Israel's decision to deport Palestinian civilians from the occupied territories. Israel is a signatory to Convention but does not accept its applicability to the occupied territories.**

From relief to development: a matter of politics and prevention

According to a 1991 UNHCR *Note on International Protection*, "strengthened observance of civil and political rights, but equally of economic, social and cultural rights, is fundamental in dealing with the root causes" of refugee flows, internal displacements and other humanitarian emergencies. Among the human-rights mechanisms available to help prevent such crises from occurring are:

- **Monitoring by the international community;**

- **Providing advisory services, especially for police forces and the judiciary;**

- **Establishing national institutions for protecting human rights;**

- **Incorporating human rights materials in educational curricula;**

- **Disseminating information about human rights;**

- **Promoting mediation as a means of conflict resolution; and**

- **Encouraging tolerance for diversity and respect for human rights in general.**

One of the keys to prevention is an effective early-warning system. The *Centre for Human Rights* in Geneva can play a paramount role by alerting the international community to impending mass exoduses or other public emergencies growing out of human rights violations or threats to liberties.

- **By common consensus, special consideration must be given to rights of minorities. In 1992, after 12 years of preparation, the General Assembly adopted the *Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities*.**

- **Fear that ethnic fighting in the former Yugoslavia might spread to province of Kosovo and spill over into the former Yugoslav Republic of Macedonia prompted the Security Council, in December 1992, to authorize establishment of a UN presence there. The role of the *UN Protection Force (UNPROFOR)* was to be expanded to monitor borders with Albania and the Federal Republic of Yugoslavia (Serbia and Montenegro) in an operation that has been described as "preventive deployment".**

UN experts have also called for greater coordination among human rights law, refugee law and humanitarian law. The three areas are closely interrelated and often overlap, but they have evolved separately. Thus loopholes have emerged owing to uneven enforcement of human rights treaties, uncertainties in the coverage afforded by refugee law and the limited circumstances under which humanitarian law can be applied.

Ultimately, however, a lasting solution can come only from political initiatives and agreements which compel Governments to respect basic human rights and freedoms. Says Ms. Ogata, "Humanitarianism can create space for political action, but it can never be a substitute for it."

ELIMINATING DISCRIMINATION

"Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."

Article 2, Universal Declaration of Human Rights

Throughout the course of human history, discrimination has been a scourge at the heart of war, repression and barbarous acts that shatter the fabric of society. The United Nations has long sought to improve public understanding of the phenomenon of discrimination and to counter its crippling effects with action and through legally binding human rights instruments covering racial discrimination, genocide, apartheid and the rights of women and vulnerable groups such as children, migrant workers and refugees.

However, intolerance continues to manifest itself against "traditional" victims such as *minorities* even as new groups such as *foreign workers* and *street children* find themselves singled out for bias. Ethnic violence in the former Yugoslavia, particularly in Bosnia and Herzegovina and Croatia, has been described by many as the worst since the Nazi era.

- **Reports of a vicious campaign of "ethnic cleansing" involving executions, torture, rapes, terrorist attacks against homes and places of worship, imprisonment in detention camps and taking of hostages have become commonplace. According to Tadeusz Mazowiecki, former Prime Minister of Poland and Special Rapporteur of the *UN Commission on Human Rights*, victims are primarily Muslim and Croatian civilians, but Serbs, Albanians, Hungarians and other ethnic minority groups are also discriminated against.**

- **The special rapporteur documented grave transgressions of international human rights law and international humanitarian law in the former Yugoslavia. The Human Rights Commission, *General Assembly* and *Security Council* have all condemned ethnic cleansing and are investigating the situation to determine whether war crimes have occurred—and whether the various violations constitute genocide.**

- **In May 1992, the Security Council voted unanimously to establish an international Tribunal—consisting of a prosecutor, two trial chambers, an appeals chamber and 11 judges—to prosecute persons responsible for war crimes in the former Yugoslavia. The Tribunal marks the first time the United Nations has created an international criminal court with jurisdiction to prosecute crimes committed during armed conflict, and is also**

the first such tribunal to be formed anywhere since those at Nürnberg and Tokyo following World War II.

But the horrors of discrimination are by no means limited to the former Yugoslavia, nor to ethnic hatred alone. The *UN General Assembly* is weighing an initiative by the *UN Educational, Scientific and Cultural Organization (UNESCO)* to declare 1995 the *United Nations Year of Tolerance*. The Assembly is also considering proclaiming a *Third Decade to Combat Racism and Racial Discrimination*.

Racism: a many-headed monster

Participants in a 1990 seminar organized by the *UN Centre for Human Rights* in Geneva as part of the *Programme of Action for the Second Decade to Combat Racism and Racial Discrimination (1983-1993)* cited two great paradoxes: "that racism had actually increased as democracy expanded and that racism had grown as science advanced".

- **The seminar identified a variety of political, historical, economic, social and cultural factors contributing to racism and racial discrimination. In the past, colonial and imperial powers driven by economics, politics or religion often took captives for slaves or servants, justifying the practice on the basis of the latter's perceived inferiority. "Pseudo-science", racial myths and stereotypes continue to be used to buttress racial ideologies and exclusionary laws. Extremist organizations and political parties exploit ethnic, national, religious or other differences for power and advantage. Discrimination often erupts during difficult economic periods, and can also fester in the absence of knowledge about UN human rights instruments or adequate schooling about the traditions and cultural values of other groups in society.**

The question of minorities

Is there any country where everyone speaks the same language, belongs to the same race and shares the same culture, beliefs and traditions? In the modern world, many countries embrace a mosaic of people, and coexistence is not always peaceful.

- **The end of the cold war has been followed by an eruption of ethnic, cultural, religious and linguistic conflicts and hatreds that had been held in check by the ideological struggle between East and West.**

- **The United Nations is actively involved in mediation and fact-finding efforts in the new nations of Azerbaijan, Georgia, Moldova and Tajikistan, where violent ethnic conflicts**

broke out following the breakup of the Soviet Union. In the newly independent Baltic republics of Estonia and Latvia, ethnic Russian minorities claim that they face discrimination over voting and citizenship rights.

- The United Nations has assigned a special rapporteur to the issue of religious intolerance. Countries cited in his 1992 report included Iraq, for actions against Shi'ite Muslims that included killing religious leaders and destroying religious institutions, shrines and mosques; Iran, for discrimination against Baha'is and others; and Cuba, for refusing to allow prisoners to read religious literature. The Rapporteur suggested that a binding instrument on religious tolerance is needed as a step beyond the 1981 *Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief*.

No single international instrument covers the rights of minorities. However, some important agreements give members of minorities the opportunity to express and preserve their cultural, religious and linguistic characteristics.

- From the *International Covenant on Civil and Political Rights*: "In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language."

- Other international agreements with direct bearing on minority rights issues include the *Convention on the Prevention and Punishment of the Crime of Genocide*, the *Convention on the Elimination of All Forms of Racial Discrimination*, the *Convention on the Rights of the Child* and the *Convention against Discrimination in Education*, the last adopted by the UNESCO in 1960.

- In December 1992, the General Assembly adopted the *Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities*. The nine-principle declaration calls on States to protect minorities and to encourage conditions for the promotion of their identity. Minorities, says the document, "have the right to enjoy their own culture, to profess and practise their own religion, and to use their own language, in private and in public, freely and without interference or any form of discrimination".

Apartheid: discrimination against the majority

With the repeal of such legislative pillars of apartheid as the Land Acts, the Group Areas Act, the Separate Amenities Act and the Population Registration Act, a process aimed at creating a united, non-racial, democratic South Africa has begun. Among the UN human rights bodies contributing to this effort are a special three-member group of the Commission on Human Rights and the Commission's *Ad Hoc Working Group of Experts on Southern Africa*, which was established in 1967.

- **A Special Rapporteur on the Transition to Democracy in South Africa has been appointed to prepare an annual report on the country's progress towards equality and social justice. The rapporteur is to look in particular at violence between different groups in South Africa, the alleged involvement of South African security forces in fomenting violence and steps taken to ensure equal political participation for all South Africans, including those removed under the apartheid system to the so-called homelands.**

Towards the year 2000: empowering women

In 1990, the *UN Commission on the Status of Women* found that implementation of the *1985 Nairobi Forward-looking Strategies for the Advancement of Women to the Year 2000*, a blueprint for women's future in all realms of life, was severely lacking. The Commission:

- **Found that the situation of women had deteriorated, especially in developing countries, and that regression had occurred in the spheres of education, employment and health; and**

- **Warned that if societies failed to achieve true gender equality, the costs would include slow economic and diminished social development, misuse of human resources and reduced progress for society as a whole.**

Some of the ongoing problems targeted by the Commission on the Status of Women and the *Division for the Advancement of Women*, the UN system's focal point for activities relating to women, are:

- **Domestic violence, which exists in all regions, classes and cultures. Owing to secrecy, insufficient evidence and social and legal barriers, domestic violence is difficult to quantify; many criminologists believe it to be the most underreported crime. A draft Declaration on Violence Against Women was to be considered by the General Assembly at its 1993 session.**

- **Political participation and decision-making power. Women are pressing Governments to make good on promises made at the 1992 *Earth Summit* in Rio de Janeiro, Brazil, where Governments declared that "full participation" of women in environmental management and development is "essential to achieve sustainable development".**

- **The feminization of poverty. Even though the 1980s saw one of the longest periods of economic growth ever recorded, the socio-economic conditions of an increasing number of women have deteriorated dramatically, in rich and poor countries alike.**

- **Traditional practices such as female circumcision and infibulation.**

- **Segregation and discrimination at work. Women continue to be relegated to low-paying, low-status jobs. Even when women do the same work as men, they typically receive less pay—30 to 40 per cent less on average world-wide.**

- **Health care. Women too seldom receive maternal health care and family planning services. Families often give lower priority to the health care of girls than of boys. Where health services are being cut back, the needs of women are typically neglected.**

- **Education. Huge gaps persist between men's and women's educational achievement. The number of illiterate women rose by 10 per cent between 1970 and 1985, while the rate for men grew by just over 1 per cent.**

- **Development itself which violates women's rights. For example, projects which subtly reinforce discrimination by ignoring traditional gender divisions of labour have placed the burden on women to implement projects and created inequalities in access to resources or services. The fact that many development experts from Western industrialized countries have been men is also a problem at times.**

To deal with these many issues and in the hopes of improving implementation of the *Convention on the Elimination of All Forms of Discrimination against Women*, a *Fourth World Conference on Women* will be held in Beijing in 1995. (Three previous global gatherings were held, in Mexico City, 1975; Copenhagen, 1980; and Nairobi, 1985.)

Protecting the most vulnerable

Millions of children die every year from malnutrition and disease or become victims of slavery, torture and sexual exploitation. The *UN Children's Fund (UNICEF)* has described the world's children as the "forgotten quarter" of the Earth's people. Their sorry plight, says UNICEF in *The State of the World's*

Children 1993, is "no longer acceptable in a world with any claim on civilization". Government spending priorities, in which just 10 per cent of national budgets goes to meeting basic needs, are a "scandal".

- **According to UNICEF, the age-old evils of child malnutrition, preventable disease and illiteracy could be brought to an end before year the 2000 for $25 billion—a little more money than Hong Kong proposes to spend on a new airport, less than Japan has earmarked for building a new highway from Tokyo to Kobe and significantly less than Europeans will spend in 1993 on wine or Americans on beer.**

- **In 1990, the long-standing goal of achieving 80 per cent coverage in immunizing children in the developing world was reached, saving three million children's lives each year, protecting millions more from malnutrition, disease and disability—and showing beyond doubt, says UNICEF, that the capacity "now exists to put the basic benefits of scientific progress at the disposal of the vast majority of the world's poor".**

The UN system's work with children is based on the 1959 *Declaration on the Rights of the Child*, the 1989 *Convention on the Rights of the Child* and the *World Declaration on the Survival, Protection and Development of Children* adopted at the *World Summit for Children*, which was held at the United Nations in September 1990.

- **The Summit established the "principle of first call" for children—a commitment that their essential needs be given high priority in allocation of resources in good times or bad, in peace or war.**

In 1992, the Commission on Human Rights adopted a programme of action for the prevention of the sale of children, child prostitution and child pornography. The move followed the submission of a UN Special Rapporteur's report. Some excerpts:

- **"The issue confronts both developing and developed ccuntries....It is often invisible or only marginally visible, shielded by the cloak of a pervasive underworld....The numbers are increasing daily....Shamefully, the human rights of the child may be violated because the child is viewed as an investment for economic returns rather than as an entity vested with substantive rights and inherent dignity."**

Child labour has also taken a dramatic and disturbing turn for the worse in the past 10 years. Some estimates suggest that between 100 and 200 million, and possibly more, are at work in the world today.

- **Some handle dangerous pesticides, fertilizers and industrial chemicals, Those working in the carpert industry spend long hours in cramped positions that deform their bodies.**

Still others make their living by scavenging through medical and radioactive waste and other toxic substances.

- **In the developing world, more than 18 per cent of children between 10 and 14 years are working, and in certain countries this figure may rise to 20 to 30 per cent.**

Children work because they must—because of poverty, underdevelopment and a lack of educational opportunities. The goals of the United Nations are to protect working children from exploitation and hazardous conditions that endanger their physical and mental development, to ensure children's access to at least minimum levels of education, nutrition and health care, and, over the long term, to achieve the progressive elimination of child labour.

- **In 1990, the *International Labour Organisation* (ILO) launched a major global offensive by establishing the *International Programme on the Elimination of Child Labour (IPEC)*. Upon Government request, the programme provides technical advisory services focusing on the worst abuses: hazardous work, forced labour, street children, girls and the employment of children who are less than 12 or 13 years old. Six countries—Brazil, India, Indonesia, Kenya, Thailand and Turkey—were selected as priority countries for action in 1992-1993.**

- **In 1992, the General Assembly urged Governments and the Commission on Human Rights to look at the problem of street children, who are increasingly involved in and affected by serious crime, drug abuse, violence and prostitution. According to Amnesty International, 7,000 Brazilian street children have been killed by death squads since 1988.**

- **The Subcommission on Prevention of Discrimination and Protection of Minorities has called for steps to halt the recruitment or conscription of children into armed forces.**

HIV and AIDS: the newest stigma

According to the *World Health Organization Global Programme on AIDS*, 5,000 people are newly infected with HIV every day. WHO forecasts 10 million AIDS orphans by the year 2000, 90 per cent of them in Africa. The disease is spreading most rapidly among young heterosexuals, particularly girls, in developing countries. Ninety per cent of all infected people are in the developing world. Not for the first time, there is a link between poverty and disease.

The AIDS pandemic has also generated a human rights issue—discrimination against:

- **People infected with HIV or AIDS;**

- **Those assumed or thought to be at risk of infection on grounds of race, nationality, sexual orientation, occupation or lifestyle;**

- **Families and friends of infected people.**

Widespread misconceptions about the transmission of HIV have led to actions such as quarantine, mandatory testing and restrictive policies regarding travel, employment, housing, education, insurance and health care. WHO has sought to emphasize certain key facts about HIV and AIDS, among them:

- **There is no danger of becoming infected through ordinary social contact such as shaking hands, touching or hugging, through food or water, by sharing cups or glasses, by coughing or sneezing, in swimming pools or toilets or by mosquitos or other insects.**

- **No country has brought AIDS under control; no region or individual country, or ethnic or religious group has avoided it; and AIDS is not confined to any single group or to those living any single lifestyle.**

Discrimination against people with HIV infection or AIDS is not only a human rights violation; it endangers public health by giving people outside the stigmatized group a sense that the threat of infection, and thus the need for personal precautions, has been removed. It also drives the AIDS problem underground, making all efforts at prevention and care much more difficult. UN actions have sought to counter this:

- **The ILO is collecting information on national laws and practices concerning AIDS-related workplace discrimination. With the cooperation of the Thai trade union movement, an ILO project in Thailand focuses on education campaigns in the workplace.**

- **Refugee advocates and human rights groups allege that HIV-positive refugees are often denied asylum. The *UN High Commissioner for Refugees (UNHCR)* has developed a dialogue with resettlement countries, countries of first asylum and countries of origin, urging them to do away with mandatory HIV screening requirements for refugees.**

In 1989, the Centre for Human Rights organized an *International Consultation on AIDS and Human Rights*. A study on the subject is being prepared by a UN special rapporteur. On World AIDS Day 1992, UN Secretary-General Boutros Boutros-Ghali declared, "Action at the planetary level is the only answer: to educate, to understand, to care and, above all, to find a cure....This is a time for science and social justice to come together in a great cause..."

Migration: reflecting the world's imbalances

With movements of people across international frontiers expected to be a feature of the emerging global order, a new human rights convention has been approved to confront discrimination against migrant workers. In 1990, following ten years of negotiations, the *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families* was adopted by the General Assembly.

- **The Convention makes it illegal to expel migrant workers on a collective basis or to destroy their identity documents, work permits or passports.**

- **It also states, among other things, that migrant workers are entitled to receive the same remuneration, social benefits and medical care as nationals; to join or take part in meetings of trade unions; and, upon ending their employment, to transfer earnings, savings and personal belongings.**

- **Children of migrant workers have the right to registration of birth and nationality and of access to education.**

Some countries expressed reservations about the document, stating that certain provisions could interfere with local administration of justice, infringe on the rights of nationals because of competition from migrant workers or cause problems for immigration policies and labour supply. As of 1 July 1993 only two countries had ratified the Convention.

Towards "productive ageing"

The ageing of populations is a demographic revolution whose impact is likely to be as powerful as that of any of the great economic and social movements of the past.

- **According to the UN system's focal point on ageing—the *Ageing Policies and Programmes Unit of the UN Centre for Social Development and Humanitarian Affairs* at the UN Office at Vienna (UNOV)—the world's elderly population will be 1.2 billion by the year 2025—from 8 to 14 per cent of total global population and six times more than in 1950. During the same period, the "old" old—people over 80—will have grown tenfold, from 13 million to 137 million. The ageing of populations is now a world-wide phenomenon, more evident in developed countries but occurring more rapidly in developing countries.**

UN activities on ageing are designed to promote the view that older persons are contributors to their societies, not a burden, and to help them remain integrated in their families and in mainstream society.

Particular emphasis is given to older women, who generally have fewer entitlements than men while outliving them in most countries.

- **The 1982 *International Plan of Action on Ageing* sets out broad principles and recommendations on meeting the needs of the elderly, including basic necessities such as income, food, housing and health care, and listening to their voices while developing policy.**

- **Since 1983, the *UN Trust Fund for Ageing* has disbursed more than $1 million in seed money grants to approximately 50 projects.**

- **UNOV's ageing unit, assisted by the *UN Fund for Population Activities (UNFPA)*, carries out intensive studies of ageing in the developing world. Statistics have been gathered in Chile, the Dominican Republic, Sri Lanka and Thailand, and a second phase will look at four African countries.**

The General Assembly has designated 1 October the International Day for the Elderly. In 1991, the Assembly adopted a set of *Principles for Older Persons*, "to add life to the years that have been added to life". In 1992, at an international conference convened to mark the tenth anniversary of the adoption of the International Plan of Action on Ageing, the General Assembly proclaimed 1999 the *International Year of Older Persons*.

The silent emergency

More than 500 million persons—10 percent of the world's population, an estimated 80 per cent of them living in the developing world—suffer from some type of physical, mental or sensory impairment. Disabled persons are often denied basic educational opportunities as children and, as adults, often take menial or poorly paid jobs. Physical restrictions bar them from public buildings and transport. Social attitudes exclude them from cultural life and normal social relationships. Prejudice and ignorance lead to unnecessary institutionalization. Society also suffers, since the loss of their enormous potential as human beings impoverishes humankind.

- **The rights of disabled persons do not appear in any single formal listing but are scattered throughout court rulings, ILO recommendations and a number of legal instruments, such as the *International Covenant on Civil and Political Rights* and the *International Covenant on Economic, Social and Cultural Rights*. Thus they find themselves at a legal disadvantage in relation to other vulnerable groups such as refugees and migrant workers.**

- **A UN Special Rapporteur's report on human rights and disability noted that rights abuses—ranging from torture and arbitrary detention to suffering produced by armed conflict, underdevelopment and other economic and social hardships—can cause disabilities.**

- **The Rapporteur also explained how the rights of disabled persons—such as the right of a deaf-mute to have an interpreter during trial proceedings—are also means of realizing other fundamental human rights, such as, in this case, the right of defence.**

The 1975 *Declaration on the Rights of Disabled Persons* proclaims that disabled persons have the same civil and political rights as other human beings and that disabled persons should receive equal treatment and services. The *Declaration on the Rights of Mentally Retarded Persons* was adopted by the General Assembly in 1971. The first *International Day of Disabled Persons* was observed on 3 December 1992.

- **The *International Year of Disabled Persons* (1981) saw adoption of a *World Programme of Action concerning Disabled Persons* and led to the *UN Decade of Disabled Persons* (1983-1992).**

- **During the Decade, the *Voluntary Fund for the UN Decade of Disabled Persons* provided nearly $3 million in grants to 161 disability-related projects around the world.**

- **Progress has been made in job training, improving physical access to the environment and battling disabling diseases such as onchocerciasis (river blindness) in Western Africa.**

- **But a 1992 report by the Secretary-General stated that the Decade's main goals—prevention and rehabilitation of disability and equalization of opportunity—had been hindered for various economic reasons. The Secretary-General said that if present trends continued, disabled persons would be increasingly marginalized and relegated to ad hoc support.**

Protection for people with mental illness

Eleven years in the making, a new set of standards for the protection of people with mental illness was adopted by the General Assembly in 1991. The *25 Principles for the protection of persons with mental illness and for the improvement of mental health care* cover a wide range of issues and rights, and state, among other things, that:

- **Determination of mental illness should never be made on the basis of political, economic or social status; membership of a cultural, racial or religious group; or any other reason not directly relevant to mental health status;**

- **Physical restraint or involuntary seclusion should not be used, except as the only means available to prevent immediate harm to the patient or others;**

- **Sterilization should never be a treatment for mental illness;**

- **Psychosurgery and other intrusive and irreversible treatments should not be carried out involuntarily;**

- **Every effort should be made to avoid involuntary admission.**

PEOPLE POWER:
NON-GOVERNMENTAL ORGANIZATIONS

UNITED NATIONS

"Someone must have been telling lies about Joseph K., for without having done anything wrong he was arrested one fine morning..."

from The Trial, by Franz Kafka

The contributions of NGOs and countless individual lawyers, journalists and other activists have helped greatly to further respect for human rights throughout the world. To cite just one example: by 1990, some members of *Charter 77* in Czechoslovakia and of *Helsinki Watch* committees in several nations in Eastern Europe and the former Soviet Union were in power in countries where, just months before, they had been in prison.

It's a dangerous job...

Frequently, the fate of those who publicly denounce human rights abuses or work as human rights watchdogs is arrest, abduction, torture and worse.

- **According to UN reports, in El Salvador in 1991 death threats were directed at several human rights activists, including the president of the *International Association Against Torture*.**

- **In India, the son of the president of the *Punjab Human Rights Organization* was arrested and executed in 1991.**

- **At least six human rights lawyers in the Philippines have been murdered in the past four years.**

- **In 1991 alone, the *UN Special Rapporteur on Summary or Arbitrary Executions* sent urgent appeals to 49 Governments on some 4,200 cases of death threats levied against persons who sought to cooperate with UN human rights bodies or who sought protection.**

To protect the human rights of NGOs and others who, in speaking out on behalf of human rights, become victims of human rights abuses, a working group of the *UN Commission on Human Rights* is drafting a *Declaration on Human Rights Defenders*. The document calls for guaranteeing the right to:

- **Form, join and participate in human rights NGOs;**
- **Denounce human rights violations publicly;**
- **Communicate with international NGOs and intergovernmental organizations;**
- **Have recourse to effective means of legal redress.**

...but someone has to do it

The work of publicizing human rights violations and bringing pressure on offending Governments often falls to NGOs. Their credibility, like that of the United Nations in the field of human rights, stems from the impartial application of universal norms to all Governments.

- **At the international level, NGOs such as *Amnesty International* (winner of the Nobel Prize for Peace for 1977), the *International Committee of the Red Cross* and *Human Rights Watch* (with its divisions *Africa Watch, Americas Watch, Asia Watch, Helsinki Watch and Middle East Watch*) conduct on-site investigations, disseminate detailed reports and wage advocacy campaigns in international and domestic forums.**
- **Operating with far less public awareness and physical protection than their transnational counterparts are domestic human rights organizations, which, where possible, monitor the actions of their respective Governments. Among these groups are the *Tutela Archdiocesan Legal Protection Office* of San Salvador (El Salvador), *Vicaría de Solidaridad* in Chile and the *Free Legal Assistance Group* of the Philippines.**

The success of the human rights movement is best measured by the extent to which some Governments have incorporated human rights concerns into their policy-making. In the United States, the State Department has for more than a decade been required to produce an annual survey of human rights conditions world-wide to help Congress assess how U.S. assistance affects the rights of people in recipient countries. And Amnesty International's 1992 annual report concludes: "Countries whose rulers would not even have paid lip service to human rights a decade ago are now declaring their importance."

What is an NGO?

The *UN Economic and Social Council (ECOSOC)* defines a non-governmental organization as "any international organization which is not established by intergovernmental agreement". This broad term

encompasses private voluntary organizations, community groups, professional and trade associations, labour unions, academic and scientific organizations and others.

- **Thousands of NGOs concentrate on human rights, dealing with human rights in general or with specific rights or issues such as torture or prisoners of conscience.**

- **Many NGOs focus on other issues but incorporate human rights into their activities. The *Latin American Adult Education Centre* handles human rights within its wider area of concern.**

- **Other groups, such as those offering legal assistance to mothers, workers or the poor, indirectly support the advancement of human rights.**

NGOs vary in how they are organized. Some are made up solely of volunteers or staff members. Others have restricted membership, such as the *International Commission of Jurists*, which is made up of 40 eminent jurists from many countries and defends and promotes the role of lawyers and judges in the legal protection of human rights. Some NGOs have members who participate in or contribute financially to the organization's activities. Amnesty International is the largest organization of this kind, with more than 1.1 million members in 150 countries.

Reaching the public

Information is by far the most potent weapon in the NGO arsenal. Once NGOs collect and verify information, they transmit it to the United Nations and other international organizations. They also make extensive use of the media to publicize individual cases or general country situations.

- **Amnesty International, Human Rights Watch and the *International Federation for Human Rights* are among the many NGOs which produce surveys, newsletters and other valuable reports on human rights violations throughout the world.**

- ***Promotion:* Mainly carried out by NGOs in the legal field, which seek to prevent legal abuses, lobby for laws on human rights protection and work for ratification of international human rights treaties.**

- ***Information campaigns:* For the general public and targeted sectors of society such as Governments, lawyers, judges or police. *Human Rights Internet* is an international communications network and clearing-house for human rights information.**

- *Education:* **Teaching human rights or encouraging education ministries and universities to incorporate human rights material into their curricula. The *World Association for the School as an Instrument of Peace* organizes an annual international training session on teaching human rights for teachers in colleges and secondary schools.**

- *Studies* **and** *research:* **investigating themes such as administration of justice, links between drug trafficking and human rights or how law functions within indigenous communities.**

Working with the United Nations

Article 71 of the *UN Charter* provides for the participation of NGOs, on a consultative basis, in the work of ECOSOC. Among the 930 NGOs with consultative status are Amnesty International, the *International Federation of Red Cross and Red Crescent Societies*, the *Andean Commission of Jurists* and the *Regional Council for Human Rights in Asia*.

- **The United Nations maintains contact with a wide range of NGOs through the *Department of Public Information* and the *Non-Governmental Liaison Service (NGLS)*, sponsored jointly by several agencies and programmes of the UN system.**

NGOs provide information to UN experts who monitor human rights and generally try to influence the decisions of the many UN bodies whose work touches on human rights.

- **Participation by NGOs in meetings of the Commission on Human Rights has increased from 33 NGOs in 1970 to 62 in 1980 and 150 in 1992.**

- **The issue of torture was taken up by the United Nations in response to a 1973 NGO campaign aimed at abolishing the practice.**

- **NGO lobbying helped establish the *Working Group on Indigenous Populations* and the *Working Group on Enforced or Involuntary Disappearances*. Says Diego García-Sayán, a member of the latter: "Little would be accomplished without the growing professionalism of human rights groups....The NGOs present and follow up on information in a reliable, precise and careful manner. Without this painstaking work, the Group would not be able to function as it does....The Group, along with many intergovernmental organizations, relies basically upon NGOs and not the Governments themselves. The NGOs provide the Group with information, pressure it to act and clamour for results. This is true of all of the United Nations specialized groups."**

- **According to the *Special Rapporteur on Summary and Arbitrary Executions*, S. Amos Wako: "NGOs are the source of most of the information and allegations concerning arbitrary and illegal executions received by the Special Rapporteur. This information is indispensable to the effective fulfilment of the mandate of the Special Rapporteur."**

- **The human rights complaint mechanism known as the "*1503 procedure*" is kept going almost exclusively by information supplied by NGOs. The procedure authorizes the *Sub-Commission on Prevention of Discrimination and Protection of Minorities* "to consider all communications...which appear to reveal a consistent pattern of gross and reliably attested violations of human rights and fundamental freedoms" in a given country.**

Leaving a lasting imprint

The consultative status of NGOs permits them to participate (without vote) in the drafting process of UN conventions, declarations and other efforts to set international standards.

- **During the drafting of the UN Charter, NGO representatives helped ensure inclusion of articles mentioning human rights, including one to set up a commission for promotion of human rights.**

- **Some 30 NGOs, among them trade unions and religious, women's and parliamentarians' groups, were instrumental in drafting the *Universal Declaration of Human Rights*.**

- **NGOs helped prepare the *International Covenant on Civil and Political Rights* and the *International Covenant on Economic, Social and Cultural Rights*, both adopted in 1966.**

- **The *Declaration on the Elimination of Discrimination against Women* (1967) and the *Convention on the Elimination of All Forms of Discrimination against Women* (1979) came about as result of substantial input from women's NGOs. In 1976, the *Conference of African Women* submitted a 25-article draft convention to the *UN Commission on the Status of Women*, a text which had a significant impact on the final document.**

- **Amnesty International, the International Commission of Jurists and the *International Association of Penal Law* helped draft the 1984 *UN Convention against Torture*. A group led by *Defence for Children International* helped draft the 1989 *UN Convention on the Rights of the Child*.**

A focus on enforcement

Government ratification of the Conventions they sign often proceeds slowly. Once instruments come into force, government compliance is often lacking. NGOs make their presence felt at both ends of this process.

- **In an effort that required ten years, NGOs helped secure the 35 ratifications necessary for the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights to enter into force.**

- **When States parties present their national reports to the United Nations, NGOs provide information on the country concerned to experts entrusted with considering those reports.**

The loyal opposition?

NGOs are independent and willing to take risks in areas which Governments and intergovernmental organizations consider too politically sensitive. They have, by their very nature, a freedom of expression, a flexibility of action and a liberty of movement which enable them to complement the role of the United Nations in the promotion and protection of human rights.

- **Says Mr. García-Sayán of the UN Working Group on Disappearances: "Anyone who has ever attended a session of the UN Commission on Human Rights has seen the caution—to say the least—with which the government representatives act....It would seem that there exists a policy of not criticizing neighbouring countries directly or harshly. Strange but notorious silences can be understood simply as indicating geopolitical interests. The 'prosecutors' in these circumstances, that is to say those who hold human rights above other concerns, are the NGOs. They are the fuel and the lubricant which allow the machine to function and speed the working up."**

For precisely these reasons, NGOs are sometimes accused of being anti-government or of undermining public order and the stability of society. Yet it is Governments that commit human rights violations, because human rights are precisely limits on the exercise of official power, and human rights violations are transgressions of such limits. If NGOs are sometimes perceived as being nuisances to Governments, it is because that is their role.

SOURCES/READING LIST

General

Several United Nations sales publications provide useful background information about current and past UN-system activities: *Basic Facts about the United Nations* is a handbook containing a concise description of the work of the UN and its related agencies; *Everyone's United Nations* is a more detailed reference work giving a historical account of the UN system's activities. *The United Nations at Forty: A Foundation to Build On* is a historical look at the Organization's work during its first four decades, to 1985. *UN Chronicle*, a quarterly magazine of the UN, covers current developments in the UN system. The *Yearbook of the United Nations* is a major reference work which provides detailed information about all aspects of the Organization's work for a given year; the most recent edition covers 1991. *An Agenda for Peace* is Secretary-General Boutros Boutros-Ghali's 1992 report to the Security Council on preventive diplomacy, peacemaking and peace-keeping.

- These publications may be obtained from bookstores and distributors throughout the world. Consult your bookstore or write to **United Nations, Sales Section, Room DC2-0853, United Nations, New York, NY 10017, USA**, or **Palais des Nations, 1211 Geneva 10, Switzerland**. A catalogue of UN sales publications is available on request.

The **UN Department of Public Information** publishes a variety of materials available on request, such as the annual *Report of the Secretary-General on the Work of the Organization*. *Africa Recovery*, a quarterly periodical, focuses on critical issues relating to economic and social development in Africa. *Notes for Speakers 1992* included chapters on peace-keeping, disarmament, the debt crisis, drug control and the law of the sea; *Notes for Speakers 1991* was a special edition covering environment and development.

- Many of these can be obtained from **UN Information Centres** located in capital cities around the world, or from the **Public Inquiries Unit, Room GA-057A, Department of Public Information, United Nations, New York, NY 10017, USA**. For a list of UN Information Centres write to the **Department of Public Information, Room S-1060, United Nations Headquarters, New York, NY 10017, USA**.

Official United Nations documents

UN Information Centres maintain reference collections of UN documents. A number of libraries around the world have also been designated as depository libraries for UN documents and maintain collections for consultation by the public.

- Inquiries about depository libraries can be addressed to the **Dag Hammarskjöld Library, UN Headquarters, New York, NY 10017, USA**. Please note that the Dag Hammarskjöld Library is open to official users only.

Audio-visual materials

A variety of audio-visual materials produced by the UN and other organizations of the UN system are available for purchase, rent or loan from distributors, libraries and some UN offices (titles available and terms vary from country to country). Please note that films are not available for loan or rent direct from UN headquarters. A copy of the UN film catalogue can be obtained from UN Information Centres or from the **Department of Public Information, United Nations, New York, NY 10017, USA**.

- *New Horizons for Human Rights* is a 30-minute documentary film available in Arabic, English, French and Spanish. *About the United Nations: Human Rights* (15 minutes, available in English, French and Spanish) is aimed at secondary school children for use in conjunction with the printed teaching guide, *Teaching about Human Rights: Rights of the Child*; both are available as UN sales items. Additional films/videos include *What Rights Has A Child?* (15 minutes), about the Universal Declaration of Human Rights; *For Children's Sake* (19 minutes), a general overview of the situation of children throughout the world and what UNICEF is doing to help; and *Remember Me* (15 minutes), a look at the lives of children in several countries.

World Conference on Human Rights

Information materials about the Conference, including the *Vienna Declaration and Programme of Action*, are available from the **UN Department of Public Information, Room S-1040, United Nations, New York, NY 10017, USA**. The official documents of the Conference were published under the UN document symbol A/CONF.157/--, and the documents of the sessions of the Preparatory Committee were issued under the symbol A/CONF.157/PC/--.

International Year of the World's Indigenous People

Information materials about the International Year are available from the **Department of Public Information, Room S-1040, United Nations, New York, NY 10017, USA**. Information about the International Year and other topics of concern to indigenous peoples can also be found in the annual reports of the Working Group on Indigenous Populations, which are issued under the UN document symbol E/CN.4/Sub.2/--. The document symbol for the report by Special Rapporteur José R. Martínez Cobo, *Study of the Problem of Discrimination Against Indigenous Populations*, is

E/CN.4/Sub.2/1986/7 and Add 1-4; *Volume V—Conclusions, Proposals and Recommendations* is available separately through the UN Sales Section.

Human Rights: selected UN system publications

As part of the **World Public Information Campaign on Human Rights**, the Department of Public Information, the **Centre for Human Rights** and other parts of the UN system issue a variety of materials, including the texts of the many conventions and declarations. Many were used to prepare this edition of *Notes for Speakers*.

Department of Public Information

▸ PUBLICATIONS

Human Rights for the Palestinians (DPI/974)

Human Rights: Questions and Answers (DPI/919)

International Bill of Human Rights (DPI/925)

Life of the Palestinians Under Israeli Occupation (DPI/1192)

Objective Justice (DPI/950—Special issue on Human Rights; DPI/968—Special issue on Racial Discrimination)

Teaching About Apartheid (DPI/982)

Teaching About Human Rights: Rights of the Child (DPI/1121; companion video available)

Universal Declaration of Human Rights (DPI/15)

Women: Challenges to the Year 2000 (DPI/1134)

World Programme of Action Concerning Disabled Persons (DPI/1264)

▸ UN FOCUS FEATURE ARTICLES

AIDS: International Response to a Global Threat (DPI/1251)

Challenges to Human Rights at the Close of the Twentieth Century (DPI/1202)

Domestic Violence Against Women: The Hidden Crime (DPI/1001)

Ending Discrimination: A Fundamental Right (DPI/1008)

The Feminization of Poverty (DPI/1051)

Human Rights and the Family (DPI/1203)

The Human Rights Covenants (DPI/1153)

The Limits of Sovereignty (DPI/1178)

The Quest for Women's Rights (DPI/1144)

Searching for the Pernicious Roots of Racism (DPI/1150)

The Specialists Who Monitor Human Rights (DPI/1155)

The Trade of Shame: The Sale of Children (DPI/1156)

Traditional Practices Affecting the Health of Women and Children (DPI/1188)

Violence Against Women (DPI/1174 and Rev.1)

Women in Politics: Still the Exception? (DPI/1012)
Women: Vulnerable Victims of AIDS (DPI/996)

▸ TRANSLATIONS
The *Universal Declaration of Human Rights* is now available in more than 90 languages.

Centre for Human Rights

For information about the following materials, write to **Centre for Human Rights, United Nations, CH-1211 Geneva 10, Switzerland** or **Centre for Human Rights, New York Office, Room S-2914, United Nations, New York, NY 10017, USA.**

▸ FACT SHEETS
An ongoing series of single-topic booklets.

1. Human Rights Machinery
2. The International Bill of Human Rights
3. Advisory Services and Technical Assistance in the Field of Human Rights
4. Methods of Combating Torture
5. Programme of Action for the Second Decade to Combat Racism and Racial Discrimination
6. Enforced or Involuntary Disappearances
7. Communications Procedures
8. World Public Information Campaign on Human Rights
9. The Rights of Indigenous Peoples
10. The Rights of the Child
11. Summary or Arbitrary Executions
12. Committee on the Elimination of Racial Discrimination
13. International Humanitarian Law and Human Rights
14. Contemporary Forms of Slavery
15. Civil and Political Rights: The Human Rights Committee
16. The Committee on Economic, Social and Cultural Rights
17. The Committee against Torture
18. Minority Rights

▸ BULLETIN OF HUMAN RIGHTS
Published in English and French; contains articles by leading government and academic experts.

▸ HUMAN RIGHTS NEWSLETTER

Appears quarterly in English and French; contains articles on the activities of UN bodies dealing with human rights, interviews with experts, reports on NGO activities and information on training courses, seminars, workshops and other meetings.

▸ AD HOC PUBLICATIONS

Periodically the papers and proceedings of a seminar or workshop are issued as booklets. Topics include:

The African Charter on Human and Peoples' Rights (English and French)

Report of an International Consultation on AIDS and Human Rights (English, French and Spanish)

Political, Historical, Economic, Social and Cultural Factors contributing to Racism, Racial Discrimination and Apartheid: report of a seminar (English)

▸ STUDY SERIES ON HUMAN RIGHTS

Prepared by special rapporteurs:

Right to Adequate Food as a Human Right, by A. Eide

Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief, by O. Benito

Freedom of the Individual under Law: An Analysis of Article 29 of the Universal Declaration of Human Rights, by E. Daes

Promotion, Protection and Restoration of Human Rights at the National, Regional and International Levels: Status of the Individual and Contemporary International Law, by E. Daes

Rights of Persons Belonging to Ethnic, Religious and Linguistic Minorities, by F. Capotorti

▸ TEACHING MATERIALS

ABC Teaching of Human Rights

▸ REFERENCE

United Nations Action in the Field of Human Rights. The standard UN reference work in the field; appears every five years.

Human Rights: A Compilation of International Instruments

Human Rights: Status of International Instruments

Yearbook on Human Rights

Official Records of the Human Rights Committee

Other UN-system publications

Refugees magazine is published by the UN High Commissioner for Refugees. *Human Development Report* has been published annually by the UN Development Programme (UNDP) since 1990. The 1993 edition examines participation by individuals and groups in countries around the world in the political,

economic, social and cultural factors that shape their lives. *The State of World Rural Poverty* was published in 1992 by the International Fund for Agricultural Development (IFAD). *The State of the World's Children 1993* is the latest yearly report from the UN Children's Fund (UNICEF). Other annual publications include the *World Economic Survey* (published by the United Nations), *World Development Report* (World Bank), *The State of the World's Population* (UNFPA) and *The State of the World's Environment* (UN Environment Programme).

The World's Women, 1970-1990: Trends and Statistics is a collaborative effort of several UN bodies devoted to the promotion of women's equality and their participation in development. *Investing in Women: The Focus of the '90s* was published by UNFPA. *Women 2000* is a newsletter published by the **Division for the Advancement of Women, Centre for Social Development and Humanitarian Affairs** in Vienna, Austria. The Centre publishes other materials on women as well as on ageing, disabled persons and other issues. For information write to the **United Nations Office at Vienna, Vienna International Centre, P.O. Box 500, A-1400, Vienna, Austria**.

UN SYSTEM INFORMATION CONTACTS */

Centre for Human Rights*
United Nations
CH-1211 Geneva 10, Switzerland

Centre for Human Rights
New York Office
Room S-2914
United Nations
New York, NY 10017, USA

Department of Public Information
Room S-1040
United Nations
New York, NY 10017, USA

UN Centre for Human Settlements (Habitat)*
UN Office at Nairobi
P.O. Box 30030
Nairobi, Kenya

UN Children's Fund (UNICEF)
Division of Information
Three United Nations Plaza
New York, NY 10017, USA

UN Conference on Trade and Development
(UNCTAD)*
Palais des Nations
1211 Geneva 10, Switzerland

UN Development Fund for Women (UNIFEM)
Room FF-0616
United Nations
New York, NY 10017, USA

UN Development Programme (UNDP)
Division of Information
One United Nations Plaza
New York, NY 10017, USA

UN Environment Programme (UNEP)*
P.O. Box 30552
Nairobi, Kenya

UN High Commissioner for Refugees (UNHCR)*
Case postale 2500
CH-1211 Geneva 2 Depôt, Switzerland

UN Institute for Training and Research (UNITAR)
801 United Nations Plaza
New York, NY 10017, USA

UN International Drug Control Programme
(UNDCP)*
Vienna International Centre
P.O. Box 500
A-1400 Vienna, Austria

UN Population Fund (UNFPA)
220 East 42nd Street, 19th floor
New York, NY 10017, USA

UN Relief and Works Agency for Palestine Refugees
in the Near East (UNRWA)*
Vienna International Centre
P.O. Box 700
A-1400 Vienna, Austria

International Research and Training Institute
for the Advancement of Women (INSTRAW)*
P.O. Box 21747
Santo Domingo, Dominican Republic

World Food Council (WFC)*
Via delle Terme di Caracalla
00100 Rome, Italy

World Food Programme (WFP)*
Via Cristoforo Colombo, 426
00145 Rome, Italy

The Division for the Advacement of Women
Centre for Social Development and
Humanitarian Affairs
UN Office at Vienna
Vienna International Centre
P.O. Box 500
A-1400 Vienna, Austria

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*/ Organization maintains a liaison office at UN Headquarters in New York.

Specialized and other UN-related agencies:

Food and Agriculture Organization of the UN (FAO)*
Via delle Terme di Caracalla
00100 Rome, Italy

General Agreement on Tariffs and Trade (GATT)
Centre William Rappard
154 rue de Lausanne
1211 Geneva 21, Switzerland

International Atomic Energy Agency (IAEA)*
Vienna International Centre
P.O. Box 100
Wargramer Strasse 5
A-1400 Vienna, Austria

International Civil Aviation Organization (ICAO)
P.O. Box 400
Montreal, Quebec, Canada H3A 2R2

International Court of Justice (ICJ)
Peace Palace
2517 KJ The Hague, The Netherlands

International Fund for Agricultural Development(IFAD)*
Via del Serafico 107
00142 Rome, Italy

International Labour Organisation (ILO)*
4 route des Morillons
CH-1211 Geneva 22, Switzerland

International Maritime Organization (IMO)
4 Albert Embankment
London, SE1 7SR, United Kingdom

International Monetary Fund (IMF)
700 19th Street, NW
Washington, DC 20431, USA

International Telecommunication Union (ITU)
Place des Nations
1211 Geneva 20, Switzerland

International Trade Centre UNCTAD/GATT (ITC)
54-56, rue de Montbrillant
CH-1211 Geneva 10, Switzerland

UN Educational, Scientific and Cultural Organization (UNESCO)*
7 place de Fontenoy
75700 Paris, France

UN Industrial Development Organization (UNIDO)*
P.O. Box 300
Vienna International Centre
A-1400 Vienna, Austria

Universal Postal Union (UPU)
Weltpoststrasse 4
Berne, Switzerland

International Bank for Reconstruction and Development (World Bank*)
1818 H Street, NW
Washington, D.C. 20433, USA
(including International Development Association (IDA) and International Finance Corporation (IFC))

World Health Organization (WHO)*
20 avenue Appia
1211 Geneva 27, Switzerland

World Intellectual Property Organization (WIPO)
34 chemin des Colombettes
CH-1211 Geneva 2, Switzerland

World Meteorological Organization (WMO)
41 avenue Giuseppe-Motta
CH-1211 Geneva 2, Switzerland

NGO contacts:

Department of Public Information
NGO Section
801 United Nations Plaza, Room U-104
New York, NY 10017, USA

Non-Governmental Liaison Service (NGLS)*
Palais des Nations
CH-1211 Geneva 10, Switzerland

NGLS
Room DC2-1103
United Nations
New York, NY 10017, USA

Conference of NGOs in Consultative Status with the UN Economic and Social Council (CONGO)*
Case postale 50
1211 Geneva 20, Switzerland

CONGO
New York Office
777 United Nations Plaza
New York, N.Y. 10017, USA

EFFECTIVE PUBLIC SPEAKING

A few suggestions

Think of speakers who have impressed you. It's likely that they share certain characteristics: an ability to bring dry facts to life, solid knowledge, commitment and a strong desire to communicate. But every topic and audience demands a different approach. On some formal occasions, simply reading a message or a statement may be appropriate. But most general audiences need a sense of interaction with a speaker, and each speaker develops his or her own style and techniques for reaching them. The following suggestions, based on a series of workshops in public speaking for Secretariat officials at UN Headquarters, are aimed at helping speakers combine content and delivery to create effective, provocative presentations.

Structure

Your speech should have a clear opening, body and closing. The *opening* should be just two or three minutes long. An opening anecdote, analogy or quote can help crystallize your central message. The *body* of the speech sould consist of brief and well organized points. Information should be carefully selected to support the central theme and draw on examples, analogies or real-life experiences to animate the topic. Numbers and ratios should be made meaningful by relating them to the experience of the audience. Resist the temptation to say everything you know about a topic. Too much information can be worse than not enough. The body should be 10 to 15 minutes long. The *closing* should briefly summarize the speech and state its three most important points in 1 or 2 minutes.

Delivery

Establish real communication with your audience by focusing on them and not "locking" your eyes on your text. Finish each phrase looking at your audience, and look at them to emphasize points or raise questions. Know your topic well enough to depart from the text and extemporize without losing the connection to your main points. Use language that is easily spoken and understood.

Stand with your weight even on both feet. Gestures and facial expressions should be animated and natural, and reinforce main points. Project your voice. An audience that can't hear you can't be interested in what you have to say.

Text

It may help to make three versions of your speech: a complete, edited text in paragraph form; a version marked for delivery with underlined words or phrases for emphasis and slashes to separate phrases; and a version which places each phrase on a separate line for ease of reading (a few sample lines of the latter formats follow). Leave wide margins in your text for notes and reminders. Don't staple your text. Slide each page to the side so you can see both the previous and next page.

Sample layouts

(edited version with phrasing marks)

Not long ago/I was at a meeting with a colleague who had a terrible toothache./ And although the meeting was about the suffering of people living in poverty/it made very little impact on him./ The pain he was enduring at that moment was far more relevant/than the plight of strangers thousands of miles away./

People who come from developing countries/tend to think that people in the richer, industrialized countries don't realize how severe their problems are./ Because the rich are too absorbed in their own immediate problems./ Although the UN is not an international financial institution/like the World Bank and IMF,/it has an important role to play in international economic problems./ All voices are heard in its debates—/from the poorest countries to the richest. They remind us that all of our economies are interdependent,/and that the problems we face individually/require us to work together.

(line-by-line version)

1. NOT LONG AGO
   I WAS AT A MEETING WITH A COLLEAGUE
   WHO HAD A TERRIBLE TOOTHACHE.

2. AND ALTHOUGH THE MEETING WAS ABOUT THE SUFFERING OF PEOPLE
   LIVING IN POVERTY
   IT MADE VERY LITTLE IMPACT ON HIM.

3. THE PAIN HE WAS ENDURING AT THAT MOMENT
   WAS FAR MORE RELEVANT THAN THE PLIGHT OF STRANGERS
   THOUSANDS OF MILES AWAY.

4. PEOPLE WHO COME FROM DEVELOPING COUNTRIES
   TEND TO THINK
   THAT PEOPLE IN THE RICHER, INDUSTRIALIZED COUNTRIES
   DON'T REALIZE
   HOW SEVERE THEIR PROBLEMS ARE.

5. BECAUSE THE RICH ARE TOO ABSORBED IN THEIR OWN PROBLEMS.

6. ALTHOUGH THE UN IS NOT AN INTERNATIONAL FINANCIAL INSTITUTION
   LIKE THE WORLD BANK AND IMF
   IT HAS AN IMPORTANT ROLE TO PLAY
   IN THE WORLD'S ECONOMIC PROBLEMS.

7. ALL VOICES ARE HEARD IN ITS DEBATES...
   FROM THE POOREST COUNTRIES...
   TO THE RICHEST.

8. THEY REMIND US
   THAT ALL OF OUR ECONOMIES ARE INTERDEPENDENT...
   AND THAT THE PROBLEMS WE FACE INDIVIDUALLY
   REQUIRE US TO WORK TOGETHER.

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